

## A G E N D A

SPECIAL MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, JULY 17, 2019 AT 7:00 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
  - A. Waive Reading of Minutes (APPROVE)
  - B. Minutes - June 5, 2019
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-02: Marc and Maureen Reyes, 6350 S. Madison Street, Willowbrook, Illinois. Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation) and Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions, and variations from Title 9 of the Village Code.
  - A. PUBLIC HEARING
  - B. DISCUSSION/RECOMMENDATION
5. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-06: Petition for a text amendment to amend Section 9-2-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code.
  - A. PUBLIC HEARING
  - B. DISCUSSION/RECOMMENDATION
6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05: Petition for a text amendment to amend Section 9-9-7 of Title 9 - Zoning Title of the Village of Willowbrook.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

- 7. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-04:  
Petition for a text amendment to amend Section 9-3-15,  
Section 9-12-2, and Section 9-12-4(C) of the Zoning Title  
of the Village of Willowbrook to remove outdated  
information and to bring the Zoning Code into compliance  
with the recently enacted State and Federal laws. The  
proposed amendments to the Zoning Code will also clarify  
the application of certain bulk regulations to the  
permitted accessory use of amateur radio antennas in  
residential districts.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

- 8. VISITOR'S BUSINESS

- 9. COMMUNICATIONS

- 10. ADJOURNMENT

MINUTES OF THE REGULAR HEARING 19-03,19-04,19-05 MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JUNE 5, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00pm

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Ruffalo, Kaucky, and Walec, Vice Chairman Wager, and Chairman Kopp.

Also present were Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Recording Secretary Lisa Shemroske

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting April 3,2019

MOTION: Made by Commissioner Soukup seconded by Commissioner Ruffalo to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-03: Morgan Harbour Construction, LLC 7510 S. Madison Street, Willowbrook, Illinois. Petition requesting approval of a variation from Section 9-10-5(K) to reduce the number of required parking stalls from fifty-four (54) parking spaces to thirty-five (35) parking spaces to accommodate 10,645 square feet of office space and 7,902 square feet of warehouse space.

- A. PUBLIC HEARING Ended 7:26 pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Commissioner Walec was seconded by Commissioner Remkus and approved unanimous 7-0 roll call vote of the members present:

Based on the submitted petition and testimony provided, I move that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report prepared for PC 19-03 for the June 5, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-10-5(K) to reduce the off-street parking requirements for the property located at 7510 Madison Street as outlined in the Staff Report dated for the June 5, 2019 Plan Commission meeting and as deliberated by the Plan

Commission, subject to the recommended "Conditions of Approval: "listed in the Staff Report prepared for PC 19-03 for the June 5,2019 Plan Commission meeting, additional condition that signage will be installed with NO PARKING IN FIRE LANE every 75 feet.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None.  
Public Hearing ended at 7:26pm.

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION; Zoning Hearing Case 19-04: Petitions for a text amendment to amend Section 9-3-15, Section 9-12-2, and Section 9-12-4(C) of the Zoning Title of the Village of Willowbrook to remove outdated information and to bring the Zoning Code in compliance with the recently enacted State and Federal laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

- A. PUBLIC HEARING Ended 7:55pm
- B. DISCUSSION /RECOMMENDATION

Court Reporters Minutes for Discussion and Recommendation

MOTION: The following motion make by Chairman Kopp to Continue this Public Hearing until the next meeting, the first Wednesday in July and second by Commissioner Remkus. All in favor 7-0.

MOTION DECLARED CARRIED

Village Attorney suggest we with draw first motion since a date was not established.

NEW MOTION: Chairman Kopp made motion to continue Public Hearing Case 19-04 to July 10<sup>th</sup> at 7pm second by Commissioner Remkus All in favor 7-0

6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05: Petition for a text amendment to amend Section 9-9-7 (c) of the Zoning Title of the Village of Willowbrook regarding performance standards in the M-1 Light Manufacturing Zoning District.

- A. PUBLIC HEARING Ended; 7:55
- B. DISSCUSSIONS/RECOMMENDATION

Court Reporters Minutes for Discussion and Recommendation

MOTION: The following motion made by Chairman Kopp to continue Public Hearing Case 19-05 to the July 10 meeting at 7pm, seconded by Commissioner Walec and approved unanimous 7-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Ruffalo, Kaucky, Walec, and Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: None.  
Public Hearing ended at 7:55pm

MOTION DECLARED CARRIED

7. VISTOR'S BUSINESS

Resident inquired about how to get written information in front of the Commission that might informant the decision on these pending Hearings

8 COMMUNICATIONS

Consultant Planner Choi informs the Committee that she will have two addition cases for the next meeting beside the two that are continuances from tonight's meeting.  
Building Official Giuntoli reported on a Pulte update. Pete's Markets update on the Kingery IDOT road work that does not have a date as of today's and the stores on the outer lots at that location. ROC Storage and Compass Arena progress and issues. New odes are in the works and should be finialed at the June 24,2019 Village Board meeting.

9. ADJOURNMENT

MOTION: Made by Commissioner Remkus, seconded by Commissioner Walec, to adjourn the meeting of the Plan Commission at the hour of 8:30 p.m.

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED  
July 17, 2019

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Chairman

6/5/2019

**VILLAGE OF WILLOWBROOK**

**P.C. 19 - 03**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF: )  
 )  
Morgan Harbour Construction, ) No. 19-03  
LLC, Variation )  
7510 S. Madison Street. )

REPORT OF PROCEEDINGS had at the hearing of  
the above-entitled cause before the Plan Commission of  
the Village of Willowbrook, at the Village of  
Willowbrook Police Department, 7760 Quincy Street,  
Willowbrook, Illinois, on the 5th day of June, 2019, at  
the hour of 7:00 p.m.

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF: )  
 )  
Morgan Harbour Construction, ) No. 19-03  
LLC, Variation )  
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BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF: )  
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Morgan Harbour Construction, ) No. 19-03  
LLC, Variation )  
7510 S. Madison Street. )

REPORT OF PROCEEDINGS had at the hearing of  
the above-entitled cause before the Plan Commission of  
the Village of Willowbrook, at the Village of  
Willowbrook Police Department, 7760 Quincy Street,  
Willowbrook, Illinois, on the 5th day of June, 2019, at  
the hour of 7:00 p.m.

1     PRESENT:

2         MR. DANIEL KOPP, Chairperson;

3         MR. JOHN WAGNER, Vice-Chairperson;

4         MR. LEONARD KAUCKY, Commissioner;

5         MR. WILLIAM REMKUS, Commissioner;

6         MR. GREGORY RUFFOLO, Commissioner;

7         MR. JAMES SOUKOP, Commissioner;

8         MR. MIKE WALEC, Commissioner;

9         MS. LISA SHEMROSKE, Building and Zoning Secretary.

10  
11     ALSO PRESENT:

12         Mr. Roy Giuntoli, Village Building Inspector;

13         Ms. Ann Choi, Village Planning Consultant;

14         Mr. George Olmos, Morgan Harbour Construction, LLC.



1 CHAIRMAN KOPP: I call to order the regular  
2 meeting of the Plan Commission of the Village of  
3 Willowbrook and ask the Plan Commission secretary to  
4 call the roll.

5 SECRETARY SHEMROSKE: Commissioner Remkus.

6 COMMISSIONER REMKUS: Here.

7 SECRETARY SHEMROSKE: Commissioner Soukop.

8 COMMISSIONER SOUKUP: Here.

9 SECRETARY SHEMROSKE: Commissioner Ruffolo.

10 COMMISSIONER RUFFOLO: Here.

11 SECRETARY SHEMROSKE: Commissioner Kaucky.

12 COMMISSIONER KAUCKY: Here.

13 SECRETARY SHEMROSKE: Commissioner Walec.

14 COMMISSIONER WALEC: Here.

15 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

16 VICE-CHAIRMAN WAGNER: Here.

17 SECRETARY SHEMROSKE: Chairman Kopp.

18 CHAIRMAN KOPP: Here.

19 SECRETARY SHEMROSKE: Planner Ann Choi.

20 MS. CHOI: Here.

21 SECRETARY SHEMROSKE: Village Official Roy  
22 Giuntoli.

23 MR. GIUNTOLI: Here.

24 SECRETARY SHEMROSKE: And I'm Lisa

1 Shemroske.

2 CHAIRMAN KOPP: The next item on the Agenda  
3 is the Omnibus Vote Agenda. Would any of the  
4 Commissioners like an item removed from the Omnibus  
5 Vote Agenda?

6 COMMISSIONER SOUKUP: So moved.

7 CHAIRMAN KOPP: Would any of the  
8 Commissioners move to approve the Omnibus Vote Agenda?

9 COMMISSIONER SOUKUP: Yeah.

10 MR. KAUCKY: Second it.

11 CHAIRMAN KOPP: All in favor say aye.

12 (A chorus of ayes.)

13 CHAIRMAN KOPP: The next matter is public  
14 hearing -- a public hearing for Zoning Hearing Case  
15 No. 19-03. The purpose of this public hearing shall be  
16 to consider a petition requesting approval of a  
17 variation from Section 9-10-5(K) to reduce the number  
18 of required parking stalls from 54 spaces to 34 spaces  
19 to accommodate 10,645 feet of office space and 7,902  
20 square feet of warehouse space on the property located  
21 at 7510 South Madison Street, Willowbrook, Illinois.  
22 The Applicant for this petition is Morgan Harbour  
23 Construction, LLC. Notice of this public hearing was  
24 published in the May 17, 2019, edition of the Chicago

1 Sun-Times newspaper.

2 Ann, would you like to do your  
3 presentation?

4 MS. CHOI: Yes. Actually, I want to correct  
5 you. It was a variation from 54 spaces to 35 spaces.

6 Thank you and good evening,  
7 Commissioners. The Plan Commission last saw concepts  
8 for the property located at 7510 South Madison Street  
9 in June 2016 when the applicant, Morgan Harbour  
10 Construction, requested to make building alterations  
11 and site improvements to the property located at 7510  
12 South Madison Street. The Applicant requested the  
13 approval of several variations. Among them was a  
14 variation to authorize alterations to a non-conforming  
15 building to reduce the building footprint to provide  
16 more parking. The 2016 application also included a  
17 variation request to reduce the number of required  
18 parking stalls from 47 to 34 spaces.

19 Tonight we are reviewing a request for  
20 a second variation from Section 9-10-5(K) to reduce the  
21 number of required stalls from 54 to 35 spaces. This  
22 would increase the prior variation for that by an  
23 additional six parking spaces.

24 So the 0.9 acre subject property is

1 located on the west side of Madison Street and is  
2 bordered by Tameling Landscape Supply to the north,  
3 Hygieneering to the west, and a vacant warehouse to the  
4 south. The property is currently located in the M-1  
5 Light Manufacturing District and is adjacent to  
6 properties located in the O.R., Office and Research,  
7 and M-1 Light Manufacturing Districts.

8 A little about Morgan Harbour  
9 Construction. Morgan Harbour is a full-service  
10 design/build general contractor and construction  
11 manager originally focused on tenant improvements and  
12 ground-up construction. They relocated their  
13 headquarters to the building in 2016 and made  
14 significant improvements to the current building in  
15 regards to landscaping, storm sewer, and to the  
16 exterior facade of the building with new window  
17 treatments, signage, and architectural features that  
18 give the building a new, modern look. Morgan Harbour  
19 has expressed they would like to remain in Willowbrook  
20 as a long-time owner-occupied user and is a local  
21 Willowbrook employer. Morgan Harbour currently employs  
22 approximately 30 employees at this facility.

23 So the Village of Willowbrook building  
24 department was contacted in early 2019 with reports of

1 construction at the subject property without the  
2 issuance of proper building permits. After  
3 confirmation of interior building modification without  
4 proper approvals, the building department issued a stop  
5 work order until proper zoning and building permits  
6 could be issued.

7                   The Applicant wishes to complete the  
8 interior building modifications to their building,  
9 which would include the conversion of approximately  
10 1,645 square feet of warehouse space into office space,  
11 resulting in the removal of two existing offices to  
12 accommodate four new offices, which is a net gain of  
13 two offices, one huddle space, and an open-office area.  
14 The Applicant would like to make these modifications to  
15 improve the working conditions for their current  
16 employees by providing more areas for files, meeting  
17 rooms, privacy, and space, and to help offset the noise  
18 impact of the open-office concept. The conversion of  
19 additional office space typically required for more  
20 parking, which is the subject of this application.

21                   Now, the required parking was  
22 calculated by using a formula outlined in the Zoning  
23 Ordinance, and this calculation is outlined in Table 1  
24 on Page 5 of the staff report. Based on an office use,

1 a little over 47 standard parking spaces are required;  
2 and based on the warehouse storage use, a little over 6  
3 standard parking spaces are required. The total  
4 parking demand is 54 spaces, and the current parking  
5 configuration provides 34 spaces. The Applicant  
6 proposes to modify existing parking by restriping the  
7 northern portion of the parking lot to include one  
8 additional parking space, thus increasing the on-site  
9 parking to 35 spaces.

10 Although staff is concerned that a  
11 future user in an 18,550-square-foot building may  
12 require greater parking demand, the current user has  
13 invested considerably into upgrading the building and  
14 attests they would like to stay as a long-time owner  
15 and tenant. As I previously mentioned, the company has  
16 an average of 30 employees in the building at any given  
17 time; and many of these employees spend their time on  
18 job sites, in off-site meetings, and are typically not  
19 in the office on a daily basis. It is not the  
20 intention of the Applicant to make these modifications  
21 to increase the number of employees. Furthermore, the  
22 existing parking lot has an average of five  
23 underutilized parking spaces on any given day.  
24 Therefore, the parking variation is not expected to be

1 detrimental to the overall parking situation as it  
2 stands today.

3 Staff is, therefore, supportive of this  
4 project and suggests the Plan Commission recommend  
5 approval of the variation from Section 9-10-5(K) to  
6 reduce the number of required parking stalls from 54  
7 spaces to 35 spaces to the Village Board subject to the  
8 following list of conditions found on Page 8 of the  
9 staff report.

10 I'll just read the few conditions:

11 No. 1, the northern portion of the  
12 parking lot shall be restriped to provide a total of 35  
13 parking spaces, including two accessible spaces, and  
14 shall be in substantial compliance with the planning  
15 document associated with Case 19-03 included as  
16 Attachment 3, Site Dimensional Exhibit, prepared by  
17 Pinnacle Engineering Group dated April 7, 2016;

18 The variation granted only applies to  
19 Lot 3 in the Resubdivision of Lots 1 and 2;

20 No. 3, the variation shall be null and  
21 void if the proposed construction is not commenced and  
22 a certificate of completion is not granted within 12  
23 months of the date of any approval of the variation by  
24 the Village Board.

1           A sample motion can also be found on  
2     Page 8 of the staff report.

3           That concludes my presentation. I'm  
4     available for any questions. The Applicant is also  
5     here to answer any questions you may have. Thank you.

6           CHAIRMAN KOPP: Does anyone from the  
7     Applicant like to speak to this?

8           MR. OLMOS: Sure.

9           CHAIRMAN KOPP: You'll need to be sworn  
10    in.

11          MR. OLMOS: Hi. My name is George Olmos,  
12    and I'm from Morgan Harbour Construction.

13          Do I need to be sworn in?

14                               (Witness sworn.)

15          MR. OLMOS: Yes. I appreciate you guys  
16    taking the time to listen to our variance today. First  
17    and foremost I wanted to apologize for the mistake of  
18    starting construction without consulting with everybody  
19    first.

20          Our main goal is to be a part of the  
21    community. We moved here a couple years ago and made  
22    great improvements to our warehouse. Ann covered it  
23    fairly well, that our current design is more of an  
24    open-office layout and it's tough on our current



1 employees. We thought it would be a good thing for  
2 collaboration and whatnot, but the noise and whatnot  
3 has been a little difficult, and we would like to add  
4 some more private rooms and open offices to help reduce  
5 the noise. We are a little bit dense in our current  
6 layout, so we believe that this would be a good  
7 solution.

8 We also added a shop office because our  
9 employees come in and out all the time, our employees  
10 that are out in the field. Instead of having them come  
11 through the inside office area, we would have them come  
12 through the warehouse and directly to the shop office  
13 to check out any materials they may need or plans that  
14 they may need.

15 So we feel that this would be a great  
16 add for us and our business, and we continue to work  
17 with the community and be a partner with you guys, and  
18 hopefully you guys understand that, you know, our  
19 intention is not to add anymore employees but to take  
20 care of the current employees that we have at this  
21 facility. We are a growing company, but we see the  
22 growth for our business outside of this area. We've  
23 got an office downtown, one in Wisconsin, and a couple  
24 out of state that are growing; but here in Willowbrook

1 we see it being maintained at the 30 people on average.  
2 So we don't see any parking issues, and we don't  
3 believe that we've had any to date and don't think it  
4 will be a problem going forward.

5 CHAIRMAN KOPP: I think you answered the  
6 main question I had. So the 30 employees, that's just  
7 at this location. So I know you do a lot of work  
8 downtown, so those folks stay downtown?

9 MR. OLMOS: We have a total of 70 employees,  
10 but on an average daily basis only about 30 are in the  
11 office in Willowbrook. Sometimes people from downtown  
12 will come in and come in for meetings or whatnot; but  
13 on an average basis in our office here in Willowbrook,  
14 it's -- on a daily basis it's 30 employees. There is  
15 only 20 people that are probably there on a permanent  
16 basis, but then in and out I'd say there is 10 daily  
17 that come in and out.

18 CHAIRMAN KOPP: Because they are normally on  
19 job sites.

20 MR. OLMOS: They are on job sites or they  
21 are downtown or they are in Wisconsin. People come in  
22 and out, you know, on a daily basis.

23 CHAIRMAN KOPP: It just strikes me as it's  
24 pretty tight. It's pretty tight to say you have 30

1 employees and you are going to have 35 spaces because  
2 assuming you have vendors that show up and sometimes, I  
3 don't know, someone's spouse comes.

4 MR. OLMOS: I understand your concerns, and  
5 I can tell you we have been there for three years with  
6 the same amount of employees on a daily basis, and we  
7 have not had an issue with the parking. If you guys  
8 have seen an issue with us parking illegally or  
9 anywhere, I would understand that; but we have not had  
10 an issue. I sit in the front of the building and look  
11 out the window every day, and there is four spaces  
12 available for when our vendors come in and out.

13 CHAIRMAN KOPP: Any Commissioners have any  
14 questions of the Applicant or of Ann?

15 COMMISSIONER REMKUS: No.

16 CHAIRMAN KOPP: I guess, Ann, a question for  
17 you -- I'm being a tough guy tonight on this -- what's  
18 the point of having these parking count regulations if  
19 -- This is a pretty significant variation, you know,  
20 from 54 to 35. Is the rationale when staff approved it  
21 is because of the unique nature of their business; they  
22 don't have as many people in the office as a normal  
23 office user?

24 MS. CHOI: In this situation we did evaluate

1 based on the current user, the fact that they own the  
2 building, the fact that they intend to stay for a long  
3 time. They made significant improvements to the  
4 building back then. They actually took out a  
5 structural bay to provide more parking on site, and  
6 they have, you know, just been a good tenant and  
7 employer of the area.

8 In this situation, there were no --  
9 parking didn't seem to be a tight issue. I think back  
10 in 2016 they were requesting a variation from 47 to 34  
11 spaces; this time they are asking for a variation from  
12 54 to 34 -- to 35; but if the number of employees are  
13 not going up, I don't see why this couldn't be  
14 approved.

15 COMMISSIONER REMKUS: One of the things is  
16 they have consistently, for the last three years, have  
17 had the same amount of employees and not had an issue  
18 with it. I mean when I've driven by there I've never  
19 seen cars parked in different spots or anything. I  
20 notice that building because the one next to it is  
21 vacant, and it would be nice to see somebody get in  
22 that building.

23 MR. OLMOS: I totally agree with you, and I  
24 appreciate you making that statement. We really don't

1 have any problems with the parking, and we love the  
2 fact that we were able to make a building -- you know,  
3 what was an old building in the Metro Tools space, you  
4 know, added windows and make it a more eye-appealing  
5 building for this area. I will tell you that when  
6 people move into this area, they always come by and see  
7 the building. In fact, the people who bought the  
8 building to the south of us approached us about  
9 designing construction on their facility when they are  
10 ready to make a decision on that.

11 COMMISSIONER REMKUS: Did somebody finally  
12 buy it?

13 MR. OLMOS: Yeah, somebody did buy it. They  
14 are just trying to figure out if they are going to move  
15 their business in there.

16 COMMISSIONER REMKUS: That would be nice.

17 MR. OLMOS: Yeah, absolutely. I feel this  
18 is the type of businesses you would want in there,  
19 somebody who is there for the long term and has -- is  
20 an owner/user, just like us, and who cares about the  
21 Village, the property, and everything that's going on  
22 around in the community.

23 COMMISSIONER REMKUS: One question. Is  
24 there any useable space around that lot that could be

1 developed for parking? Say you sold the building and  
2 another user came in. Is there available property that  
3 parking could be expanded if it needed to be, or is  
4 there a wetlands issue over there?

5 MR. OLMOS: On our property, there is not.  
6 On the neighbor properties, there may be, but on our  
7 property there is not.

8 COMMISSIONER REMKUS: Okay.

9 MR. OLMOS: I know out my window to the  
10 north, there looks to be a wetland out there on the  
11 Tameling's lot.

12 MS. CHOI: To answer that question too, we  
13 did look at some options to introduce more parking.  
14 There is two loading berths in the front of the  
15 property as well as like --

16 MR. OLMOS: Drive-in door.

17 MS. CHOI: -- a drive-in door, but the  
18 Applicant would have to come in and request more  
19 variations to try and put a drive-thru in the front of  
20 the property, so that was something that I, you know,  
21 advised against. They were able to fit in an  
22 additional parking spot to increase the number from 34  
23 to 35, but really the site is really tight. There is  
24 only parking to the north and to the west of the

1 property, and that's all it can accommodate.

2 COMMISSIONER REMKUS: Okay. Thank you.

3 VICE-CHAIRMAN WAGNER: Ann, could you  
4 explain to me how we got from a required number of  
5 spaces of 47 and going to 54?

6 MS. CHOI: Yes. So the parking ratios for  
7 office is higher than they are for warehouse.

8 VICE-CHAIRMAN WAGNER: Okay.

9 MS. CHOI: What they are doing is they are  
10 converting some warehouse space, because I guess it's  
11 underutilized right now, into office space so it  
12 required a higher parking count.

13 VICE-CHAIRMAN WAGNER: The only other  
14 concern I have is that the staff recommendation for --  
15 the three recommendations, if staff would run with this  
16 variation, I would object to No. 2 being a variation  
17 running with the lot without mentioning the user. I  
18 think that if this is being granted for the user for a  
19 specific circumstance, then it should run strictly with  
20 this user because, if they decide to sell the building  
21 at some point and another use goes in, we would have a  
22 problem then with parking. So I would suggest that it  
23 run not only with the land but with this particular  
24 ownership.

1 MS. CHOI: We did discuss that, but I think  
2 it's typically variations do run with the land.

3 VICE-CHAIRMAN WAGNER: That's correct.

4 MS. CHOI: It would be sort of -- it would  
5 be very unique in this case.

6 CHAIRMAN KOPP: So in -- if they were to  
7 sell the property then, they'd have to actually  
8 reconvert that warehouse back to --

9 VICE-CHAIRMAN WAGNER: No. No. Because the  
10 variation is being granted -- proposed to be granted --

11 CHAIRMAN KOPP: I'm sorry. I'm saying what  
12 you are proposing, the variation would be personal to  
13 this Applicant.

14 VICE-CHAIRMAN WAGNER: To this Applicant,  
15 correct.

16 CHAIRMAN KOPP: The prior variation  
17 presumably runs with the land, so it's already  
18 attached. So that would mean for them to sell it they  
19 would have to get back to that old ratio, so they would  
20 have to reconvert or deconvert the --

21 VICE-CHAIRMAN WAGNER: Well, I think that  
22 the problem with this is that we are granting it for  
23 this owner/employer for 30 spaces, and then let's say  
24 five years down the road they decide, well, we want to



1 relocate to a bigger building because we have more  
2 employees or want more employees and they sell the  
3 building, the next user is automatically granted with  
4 this variation no matter what use it is as long as it's  
5 an approved use within the District.

6 COMMISSIONER REMKUS: It would really depend  
7 on what the use is.

8 VICE-CHAIRMAN WAGNER: No. As long as it's  
9 an approved use within the M-1 District, they could go  
10 in and have 45 employees under this variation on this  
11 piece of property.

12 MR. OLMOS: To address your concern with one  
13 note, there is no parking -- there is no parking  
14 outside of our property. You know, if somebody were to  
15 come with 45 employees and needed 45 parking spots,  
16 there would be nowhere for them to park except for on  
17 our property.

18 VICE-CHAIRMAN WAGNER: I understand. It's  
19 not anything directed to you.

20 MR. OLMOS: Sure.

21 VICE-CHAIRMAN WAGNER: I think you are a  
22 great company and you should possibly be able to stay  
23 in Willowbrook with this situation. I'm looking to the  
24 future because our ordinance says we are supposed to

1 have this many parking spaces, and this is for a  
2 specific situation with 30 employees. Down the road,  
3 who knows, we sell the building and ABC Construction  
4 comes in and they have 45 employees and they have no  
5 place to park, so then we are stuck with this variation  
6 on this piece of property and can't do anything about  
7 it.

8 CHAIRMAN KOPP: But do we care as long as  
9 they are not parking in the road or parking at the  
10 neighbors and the neighbors have their own rights to  
11 police that?

12 VICE-CHAIRMAN WAGNER: I don't care, but  
13 then let's amend the ordinance to eliminate parking  
14 requirements and just come up with a number based on  
15 that owner at that time. It doesn't make any sense to  
16 have the ordinance, ask for a variation, and then not  
17 be able to deal with it in the future.

18 COMMISSIONER RUFFOLO: Mr. Chairman, I  
19 concur with both of the arguments here, but really what  
20 it means to me is they are going to have a problem  
21 selling the building. It's going to be up to them to  
22 figure out what to do at a point in time if and when  
23 they want to sell it, find a user that can fit within  
24 that space and know they have a limitation as to

1 parking.

2 I don't disagree with your comments,  
3 John, about we have ordinances, we should use them;  
4 however, in this particular case, it's an  
5 owner/employer and that means a lot also. That's a  
6 commitment to the community. That's a commitment to  
7 your own expenditures and investment in the property.

8 I would be inclined to say there is a  
9 few mitigating reasons here why it does make sense to  
10 go in that direction and permit this for -- under the  
11 requested terms that you've asked for.

12 VICE-CHAIRMAN WAGNER: I mean I -- I agree.  
13 I think this should be granted. I'm looking to the  
14 future, though, and I see these -- not this specific  
15 one -- but we've granted variations for other things  
16 and at some point they come back to bite us.

17 COMMISSIONER RUFFOLO: That's true.

18 VICE-CHAIRMAN WAGNER: That's all I have to  
19 say.

20 COMMISSIONER RUFFOLO: Right.

21 MR. GIUNTOLI: So, Chairman Kopp, you had  
22 mentioned -- you said that you weren't specifically --  
23 had any concerns about if people were gonna over park  
24 there. So from a Building Code standpoint, possibly a

1 Fire Code standpoint, we've had some parking lots in  
2 town, we actively pursue them. What ends up happening  
3 is there is fire lane violations, that they will double  
4 park in parking lots and block cars and block a fire  
5 lane and block access to the building because, quite  
6 honestly, they are not going to park in the street,  
7 there is no doubt about it. I hope they wouldn't park  
8 on Madison Street or park in a neighbor's parking lot.  
9 So what they'll say is: I will just park here for a  
10 minute; it will be fine. One minute turns into  
11 whatever, and then one person sees it and the next  
12 person says: Well, if this person can do it, I can do  
13 it.

14 I would recommend that for sure we  
15 place, if there isn't already, fire lane notices -- or  
16 "no parking fire lane" on the building so then, if we  
17 do see someone in there, we can send enforcement in  
18 there to actively enforce fire lane violations.  
19 However, if it doesn't say it's a fire lane per se, we  
20 can't go in there and actively enforce it. We can  
21 knock on the door and say: Please don't park in the  
22 fire lane. But when I say enforce it, it would be  
23 issue tickets.

24 A lot of times the Fire Department will

1 call us and say, you know, there is cars parked right  
2 up against the building. Unless there is those signs  
3 there, there is nothing we can do. Perhaps we can make  
4 it a condition just as well to make sure there is "no  
5 parking fire lane" signs on the building every so many  
6 feet.

7 CHAIRMAN KOPP: Okay.

8 MR. OLMOS: We would be amenable with that.

9 CHAIRMAN KOPP: Any other questions by the  
10 Commissioners?

11 (No response.)

12 CHAIRMAN KOPP: It's your right to have the  
13 last word if you want it.

14 MR. OLMOS: Thank you for considering our  
15 variation and for considering this matter today.

16 CHAIRMAN KOPP: Did anyone in the audience  
17 want to speak to this matter?

18 (No response.)

19 CHAIRMAN KOPP: I will close the Public  
20 Hearing for Hearing Case No. 19-03.

21 I'm in favor of this, and I absolutely  
22 understand what Commissioner Wagner is saying, but I  
23 also agree I think the number of employees will  
24 similarly protect us, but I like Roy's idea. So I

1 would propose today a condition of approval would be  
2 that fire -- How would you phrase that?

3 MR. GIUNTOLI: Fire lane signage -- "no  
4 parking in the fire lane" signage be displayed every 75  
5 feet on all sides of the parking lot.

6 CHAIRMAN KOPP: Anybody else want to comment  
7 on this, or should I call the vote?

8 VICE-CHAIRMAN WAGNER: Call the vote.

9 CHAIRMAN KOPP: Will someone make a motion  
10 based on the submitted petition and testimony provided:  
11 I move that the Plan Commission approve and adopt the  
12 standards for variations outlined in the staff report  
13 for P.C. 19-03 for the June 5 Plan Commission meeting  
14 and that the Plan Commission recommend the Village  
15 Board approval of the variation from Section 9-5 --  
16 excuse me -- 9-10-5-K to reduce the off-street parking  
17 requirements for the property located at 7510 South  
18 Madison Street as outlined in the staff report dated  
19 for the June 5, 2019, Plan Commission meeting and as  
20 deliberated by the Plan Commission subject to the  
21 recommended provisions and approval listed in the staff  
22 report prepared for P.C. 19-03 for the June 5, 2019,  
23 Plan Commission meeting and the additional condition  
24 that signage will be installed that there is no parking

1 in the fire lane every 75 feet.

2 COMMISSIONER REMKUS: I'll move.

3 COMMISSIONER WALEC: Second.

4 CHAIRMAN KOPP: I ask the Plan Commission  
5 secretary to call the vote.

6 SECRETARY SHEMROSKE: Commissioner Remkus.

7 COMMISSIONER REMKUS: Yes.

8 SECRETARY SHEMROSKE: Commissioner Soukup.

9 COMMISSIONER SOUKUP: Yes.

10 SECRETARY SHEMROSKE: Commissioner Ruffolo.

11 COMMISSIONER RUFFOLO: Yes.

12 SECRETARY SHEMROSKE: Commissioner Kaucky.

13 COMMISSIONER KAUCKY: Yes.

14 SECRETARY SHEMROSKE: Commissioner Walec.

15 COMMISSIONER WALEC: Yes.

16 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

17 VICE-CHAIRMAN WAGNER: Yes.

18 SECRETARY SHEMROSKE: Chairman.

19 CHAIRMAN KOPP: Yes.

20 (Which were all the  
21 proceedings had in the  
22 above-entitled cause.)  
23  
24

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )

4 Maureen K. Nagle, a Certified Shorthand  
5 Reporter, doing business in the City of Chicago, County  
6 of Cook, and the State of Illinois states that she  
7 reported in shorthand the proceedings had at the  
8 foregoing hearing;

9 And that the foregoing is a true and correct  
10 transcript of her shorthand notes so taken as aforesaid  
11 and contains all the proceedings had at the said  
12 hearing.

13  
14  
15  
16 MAUREEN K. NAGLE, CSR  
17 CSR No. 084-002863  
18  
19  
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24





6/5/2019

**VILLAGE OF WILLOWBROOK**

**P.C. 19 - 05**

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION  
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:	)	
	)	
	)	
M-1 Performance Standards	)	No. 19-05
Text Amendment	)	

REPORT OF PROCEEDINGS had at the  
hearing of the above-entitled causes before the  
Plan Commission of the Village of Willowbrook, at the  
Village of Willowbrook Police Department, 7760 Quincy  
Street, Willowbrook, Illinois, on the 5th day of June,  
2019, at the hour of 7:49 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. JOHN WAGNER, Vice-Chairperson;

4 MR. LEONARD KAUCKY, Commissioner;

5 MR. WILLIAM REMKUS, Commissioner;

6 MR. GREGORY RUFFOLO, Commissioner;

7 MR. JAMES SOUKOP, Commissioner;

8 MR. MIKE WALEC, Commissioner;

9 MS. LISA SHEMROSKE, Building and Zoning Secretary.

10  
11 PRESENT:

12 Mr. Roy Giuntoli, Village Building Inspector;

13 Ms. Ann Choi, Village Planning Consultant;

14 Mr. Brian Baugh, Storino, Ramello & Durkin.

1           CHAIRMAN KOPP: The next item on the agenda  
2 is a public hearing for Zoning Hearing Case 19-05. The  
3 purpose of this public hearing is to consider a request  
4 by the Village of Willowbrook as Petitioner to amend  
5 Section 9-9-7(C) of the Zoning Title of the Village of  
6 Willowbrook regarding performance standards in the M-1  
7 Light Manufacturing Zoning District.

8           The Applicant for this petition is the  
9 Village of Willowbrook. Notice of this public hearing  
10 was published in the May 18, 2019, edition of the  
11 Chicago Sun-Times newspaper.

12           MS. CHOI: Thank you, Chairman Kopp.  
13 Village staff is proposing text amendments to Section  
14 9-9-7(C), Fire and Explosive Hazard Standards in the  
15 M-1 Light Manufacturing District. This was originally  
16 drafted in 1975 and amended again in 1997, more than 20  
17 years ago.

18           On May 14, 2019, the proposed text  
19 amendments were presented to the Laws and Ordinances  
20 Committee. This committee meets the first Tuesday of  
21 each month. The proposed code language was drafted to  
22 clarify some inconsistencies in the current Code. As  
23 it is currently written, a Special Use would only be  
24 required if a proposed use involved all three of the

1 following activities: Manufacturing, storage, and  
2 utilization of materials and products which decompose  
3 by detonation. If a proposed use involves only one or  
4 two of these activities, a Special Use would not be  
5 required. The Village would like to amend Section  
6 9-9-7(C) to insert the and/or emphasis to widen the  
7 scope of potential activities that would require  
8 Special Use, meaning a Special Use would now be  
9 required if one of the three activities were proposed.

10 Section 9-9-7(C) Table IV(b) was also  
11 amended in keeping with Section 9-9-7(C)(1) to insert  
12 the and/or for emphasis. The current table lists the  
13 maximum amount of certain chemicals that are permitted  
14 above ground and below ground, but the table only  
15 applies to industries if they are engaged in both the  
16 utilization and manufacture of flammable materials, not  
17 just utilization or just the manufacture. The and/or  
18 emphasis that is added will broaden the scope and  
19 applicability of that table as well.

20 Going back to Section 9-9-7(C)(4), the  
21 proposed text amendment will delete the portion of the  
22 sentence that allows containers that are 55 gallons or  
23 less to go unrestricted. The proposed code language  
24 will ensure that any volume of hazardous liquids will

1 need to comply with this section of the Code.

2           The proposed text amendments will  
3 further revise Section 9-9-7(C) so that the Village may  
4 adopt some language concerning users having to comply  
5 with Tier II reports. Known officially as Emergency  
6 and Hazardous Chemical Inventory Forms, Tier II reports  
7 are submitted annually to local fire departments, local  
8 emergency planning committees, and state emergency  
9 response commissions to help those agencies plan for  
10 and respond to chemical emergencies. Users would have  
11 to complete this report and provide them to the Village  
12 so that emergency responders know what to expect when  
13 they get to a facility storing hazardous chemicals in  
14 the event of chemical emergencies.

15           Lastly, facilities that store, utilize,  
16 or manufacture chemicals in quantities that equal or  
17 exceed the thresholds in amounts that have been  
18 determined by the E.P.A. and by the Federal Emergency  
19 Planning and Community Right to Know Act will be  
20 required to obtain a Resource Conservation and Recovery  
21 Act permit and complete and file a Tier II report.  
22 These thresholds are included as Attachments 1, 2, and  
23 3 of the staff report as reference only. Users would  
24 be directed to the website where the E.P.A. makes

1 periodic updates to their appendices.

2 Staff would like to point out to the  
3 Plan Commission that the proposed text amendments would  
4 not be retroactive and would only apply to new  
5 businesses going forward. The proposed code language  
6 for the text amendments are included in their entirety  
7 on Pages 3 and 4 of the staff report.

8 Staff is supportive of the proposed  
9 text amendments and suggests the Plan Commission  
10 recommend approval to the Village Board. If the Plan  
11 Commission concurs, a sample motion can be found on  
12 Page 5 of the staff report.

13 That concludes my report. I'm  
14 available for any questions. We also have Brian Baugh  
15 here to answer any questions.

16 CHAIRMAN KOPP: So --

17 MR. BAUGH: Just as a point of  
18 clarification, I just want to report, as she correctly  
19 pointed out, these would not be retroactive in large  
20 part with the exception of the new reporting  
21 requirements, which will be required by everyone in the  
22 M-1 District.

23 CHAIRMAN KOPP: So what theoretical problem  
24 exists with the current Code that this now -- I need



1 some examples just to try to understand.

2 MR. BAUGH: Well, this started with former  
3 Village Administrator Tim Hamlin when he started  
4 reviewing the Code before he left and found some  
5 inconsistencies in the Code concerning how it applied  
6 to different manufacturers or users of different  
7 chemicals; and because of that lack of and/or in there,  
8 it basically was you had to do all of these things for  
9 the current Code as it sits today to apply. If it  
10 didn't, you weren't a Special Use, you were just a  
11 permitted use.

12 CHAIRMAN KOPP: You still had to comply with  
13 federal and state law?

14 MR. BAUGH: Correct.

15 CHAIRMAN KOPP: You didn't have to do the  
16 reporting requirements to the Village?

17 MR. BAUGH: Those are still required by  
18 state and federal law in some instances, but this just  
19 broadens the scope of what will be required for the  
20 Village.

21 CHAIRMAN KOPP: So if a new user comes in,  
22 and I saw this list, it must be at least a thousand  
23 chemicals, if not more, but if a new user comes into  
24 the Manufacturing District here, Industrial District

1 here, and they use any of this stuff, they have to get  
2 a Special Use on any quantity?

3 COMMISSIONER WALEC: Any quantity.

4 MR. BAUGH: That was put in for illustrative  
5 purposes of the Tier II reporting.

6 CHAIRMAN KOPP: So --

7 COMMISSIONER RUFFOLO: I'm unclear.

8 MR. BAUGH: My understanding in the Village  
9 -- I came up with the amendments concerning the  
10 clarifications of the existing Code. It's my  
11 understanding the Building Department and Fire  
12 Department came up with the Tier II reporting language  
13 that they requested.

14 MR. GIUNTOLI: Tier II reporting is -- if  
15 you look at this list, there is certain amounts that  
16 would trigger the requirement for Tier II reporting.  
17 It's the first column.

18 CHAIRMAN KOPP: Got it.

19 MR. GIUNTOLI: The reportable quantities  
20 column. So, anyone that would, again, meet or exceed  
21 those amounts would be. I think we did a quick study  
22 of businesses in town that currently have to report  
23 their quantities, and I believe it's limited to -- I'm  
24 sorry, I don't have the list with me, but I believe

1 it's five or six companies currently. It's not very  
2 extensive.

3                   Once again, this requirement is already  
4 in current code requirements. If you meet a Tier II  
5 limit, you have to report what you have. I believe  
6 it's on an annual basis?

7                   MR. BAUGH: Yes.

8                   MR. GIUNTOLI: Yeah, on an annual basis.

9                   CHAIRMAN KOPP: What triggers the Special  
10 Use requirement?

11                   MS. CHOI: So I actually printed these out  
12 so you could see the Code as is, so I'll just pass  
13 these out.

14                   So if you look on Section 9-9-7,  
15 specifically under C-1, you can see that it says: Uses  
16 involving manufacture, storage, and utilization of  
17 materials and products.

18                   The first text amendment is just  
19 amending the and to include and/or so that a use that  
20 just manufactures the product will be subject to  
21 Special Use. A use that stores the product would be  
22 subject to the Special Use. It doesn't -- the way the  
23 Code is currently written, the use has to do all three  
24 in order to be subject to Special Use.

1 CHAIRMAN KOPP: We are only talking about  
2 products which decompose by detonation?

3 MR. BAUGH: Correct.

4 CHAIRMAN KOPP: What are those?

5 MS. CHOI: Flammables --

6 VICE-CHAIRMAN WAGNER: Gasoline. Any of the  
7 zenes.

8 MS. CHOI: Flammables.

9 MR. GIUNTOLI: The Code does -- the Building  
10 Code does list those as -- in certain classes and,  
11 again, it all depends on certain temperatures that the  
12 M.S.D. sheets indicate. So it could be a myriad of  
13 things. It could be something that only one or two  
14 people are going to propose. That's an unknown, of  
15 what product that would be.

16 VICE-CHAIRMAN WAGNER: So what triggered the  
17 Special Use now? All of it?

18 MS. CHOI: Yes. If you manufacture, store,  
19 and utilize all the materials.

20 VICE-CHAIRMAN WAGNER: And in the future if  
21 we pass this it changes how?

22 MS. CHOI: If you only manufacture, you will  
23 be subject to the Special Use; if you only store,  
24 you'll be subject to the Special Use; if you only

1 utilize, yes.

2 COMMISSIONER RUFFOLO: So it broadens the  
3 text under which it's a Special Use?

4 MS. CHOI: Yes.

5 MR. BAUGH: Significantly.

6 CHAIRMAN KOPP: Is there some minimal  
7 because, obviously, people use forklifts and stuff like  
8 that, I mean they use gasoline in manufacture -- I mean  
9 they use it, the trucks are there?

10 VICE-CHAIRMAN WAGNER: Is this where you get  
11 into the 55 gallons or less?

12 CHAIRMAN KOPP: But that's been deleted.

13 MS. CHOI: That's been deleted.

14 VICE-CHAIRMAN WAGNER: Oh.

15 CHAIRMAN KOPP: I'm not looking to pollute  
16 the Village, but I don't want every single manufacturer  
17 to have to come in here to get a Special Use.

18 VICE-CHAIRMAN WAGNER: So if you store -- I  
19 don't know the size of the tank that's used on a  
20 forklift, I think it's a 50-pound cylinder --

21 MR. GIUNTOLI: 80.

22 VICE-CHAIRMAN WAGNER: -- whatever size it  
23 is, are you now subject -- because of your using it in  
24 the process of your business, you have to now report

1 that or come to us for a Special Use to simply have  
2 propane storage for vehicles on site?

3 MR. GIUNTOLI: Good question.

4 MS. CHOI: Yes, it appears that way, that  
5 you would have to come for a Special Use permit.

6 VICE-CHAIRMAN WAGNER: Well, I would suggest  
7 then that we continue this hearing until July 8th until  
8 we can figure out how this affects everybody. This is  
9 frustrating, to say the least.

10 CHAIRMAN KOPP: Actually, the way I read the  
11 new sentence, and I do this for a living, I find it  
12 very confusing, and/ors. I think if you just change  
13 the ands to ors, it would actually work because no one  
14 can -- if it was or, I don't think anyone can claim  
15 that they manufacture and store it. I don't think or  
16 means only one. But I didn't -- the way it reads now,  
17 I don't think it's clear that all three categories  
18 apply to the products that decompose by detonation.

19 MR. BAUGH: The and/or was utilized because  
20 you could have a combination of two of those items.

21 CHAIRMAN KOPP: Right, but what you are  
22 proposing, that any single one would do it, so I don't  
23 see why you need and/or, I think just or. Especially  
24 the second and/or, materials or products. Because I

1 thought each one of these was like a separate category  
2 because you have these and/ors. You could create three  
3 little phrases. But I have a bigger issue about use  
4 and storage.

5 COMMISSIONER KAUCKY: Did I hear someone  
6 mention how many businesses would be directly impacted  
7 by this?

8 CHAIRMAN KOPP: That's now. It's going to  
9 be a hundred percent.

10 COMMISSIONER KAUCKY: We are going to have  
11 to buy more file cabinets, first of all, because you  
12 are going to generate a lot more forms. I just don't  
13 understand the point of all this.

14 CHAIRMAN KOPP: I violate this at my home  
15 with the gas can for my lawn mower. I know I'm not in  
16 the District.

17 MR. GIUNTOLI: When I mentioned the several  
18 businesses, that was just referring to the Tier II  
19 reporting, that wasn't referring to this specifically.

20 CHAIRMAN KOPP: Even the 55 gallons doesn't  
21 work because that says original sealed containers.

22 VICE-CHAIRMAN WAGNER: Yeah. You better  
23 hire some more people on staff to deal with all the  
24 applications.

1           COMMISSIONER KAUCKY: I just want to show a  
2 little caution before putting more burdens on our local  
3 business people. I want to be careful about that. It  
4 would really have to make a lot of sense to do it. I'm  
5 sorry, that's how I feel.

6           COMMISSIONER RUFFOLO: Ann or Roy, are some  
7 of the things that are referenced in this report  
8 originated from the E.P.A. standards? Like the table,  
9 that's an E.P.A. table?

10          MS. CHOI: That I'm not sure. Table IV.

11          COMMISSIONER RUFFOLO: You are talking about  
12 hazardous chemicals, I believe.

13          CHAIRMAN KOPP: As far as the reporting, if  
14 it's reporting they already have to do and you are just  
15 saying that they also have to report it to the Village,  
16 I don't think that's burdensome; but if we are adding  
17 new reporting requirements, I'd like to understand  
18 that.

19          COMMISSIONER RUFFOLO: That's kind of what I  
20 was driving at. Are we adopting standards that are  
21 already set from the federal government and the E.P.A.?

22          CHAIRMAN KOPP: Yeah.

23          COMMISSIONER RUFFOLO: I don't know the  
24 answer to that.



1 CHAIRMAN KOPP: I don't.

2 COMMISSIONER RUFFOLO: Or, as you allude to,  
3 are we creating new reporting requirements that the  
4 E.P.A. doesn't require? And, again, I don't know that  
5 either. I'm not being critical.

6 MS. CHOI: No, we are not requiring more  
7 than what the E.P.A. requires.

8 COMMISSIONER RUFFOLO: Okay. That answers  
9 one of our questions. So these are report issues under  
10 the E.P.A. ordinances currently?

11 MS. CHOI: Yes.

12 MR. BAUGH: Correct.

13 COMMISSIONER RUFFOLO: So what are we doing  
14 generally speaking?

15 MR. BAUGH: What we are doing is we are  
16 taking -- So all these reporting requirements are  
17 contained in various Building Codes and Fire Codes and  
18 things like that. We are now taking that same  
19 reporting requirement, moving it into the Zoning Code.  
20 So if there is a failure to do this reporting, then  
21 that could be potentially an action by the Village  
22 against that entity to revoke their Special Use permit.

23 COMMISSIONER RUFFOLO: Okay. But it's not  
24 creating new ones?

1 MR. BAUGH: No.

2 COMMISSIONER RUFFOLO: It's Code defining  
3 perhaps?

4 MR. BAUGH: Correct.

5 COMMISSIONER RUFFOLO: Those that currently  
6 exist and are required of anyone doing business in the  
7 M-1 District via the E.P.A. standards?

8 MR. BAUGH: Correct.

9 VICE-CHAIRMAN WAGNER: That's fine. I think  
10 that's very clear. What's unclear is the requirement  
11 of Special Uses and the requirement of existing  
12 companies with hazardous material, propane, gasoline,  
13 on site for use in their construction business.

14 MR. BAUGH: Again, the reporting  
15 requirements will apply to everyone that's in the M-1  
16 District provided they meet those threshold standards.  
17 The Special Use and the rest of the changes that are  
18 being made, those are not retroactive, those are going  
19 forward.

20 CHAIRMAN KOPP: I'm still not in favor of  
21 that. Why would we want to discourage -- we don't --  
22 For retailers and whatnot, at least for me, I'm trying  
23 to limit the number of Special Uses. I don't think  
24 people should have to come in here every time they want

1 to do something in the village. I think we want to say  
2 we are a great village for business, you can do this.  
3 I don't want anyone that's going to use gasoline to  
4 have to come in here and get a Special Use.

5 VICE-CHAIRMAN WAGNER: That's the example.  
6 Propane for a forklift seems to be covered by this now.  
7 I mean you go to any M-1 building and they have a  
8 forklift, I guarantee you there is five or six  
9 cylinders of propane on site so they can run their  
10 forklift. And if this doesn't include that, I have no  
11 objection to it; but if it does include it and it  
12 requires them to come to us for a Special Use to have a  
13 product on hand to drive a vehicle that's a minor part  
14 of the total business, they are not manufacturing  
15 propane, that creates a whole lot of problems.

16 MS. CHOI: So in your handout that I gave  
17 you on the first page under B-1, they list all of the  
18 materials that would be subject. I mean it's not  
19 all-inclusive.

20 MR. GIUNTOLI: It does say but not limited  
21 to unfortunately. It does say not limited to at some  
22 point, so it's out there.

23 COMMISSIONER RUFFOLO: Let me ask a question  
24 in a different way.

1           MR. GIUNTOLI: We should determine what  
2 class of -- from a code standpoint which class this  
3 applies to, which class of combustible or flammable  
4 this applies to.

5           COMMISSIONER RUFFOLO: In quantity class and  
6 quantity perhaps.

7           The more general questions is: Can we  
8 compare this to ordinances that are acceptable in other  
9 communities right now? Is this far off of what  
10 everyone else is doing, and we are looking at this from  
11 a business competitive standpoint? Are we being far  
12 more restrictive in what's been written or proposed  
13 here than is in neighboring communities, for instance  
14 the Burr Ridge manufacturing district?

15          MR. BAUGH: I'm not familiar with the  
16 Burr Ridge ordinance that you referred to with the  
17 exception of that they recently instituted additional  
18 Tier II reporting in their zoning district as well.

19          COMMISSIONER RUFFOLO: Don't misread my  
20 question. It is not that I don't want to be  
21 restrictive and make sure we do things the right way  
22 and get the right reporting.

23          MR. BAUGH: No.

24          COMMISSIONER RUFFOLO: I simply want to know

1 at some point in time, not this moment, if we are  
2 creating something that is so far beyond everyone else  
3 that it might have a negative impact on the business  
4 community? That's the nature of my question.

5 MR. BAUGH: Okay.

6 COMMISSIONER RUFFOLO: Nothing more, nothing  
7 less. I'm all for regulation, certainly given the  
8 environment, and making sure we are protecting the  
9 community, that's what we want to do, and have them  
10 report directly, but not so far beyond the pale that  
11 nobody wants to do business here.

12 MR. BAUGH: Well, not to speak for staff,  
13 maybe what we can do is continue this hearing as well  
14 until the 10th, --

15 COMMISSIONER RUFFOLO: Sure.

16 MR. BAUGH: -- and we can all put our heads  
17 together over here and with others and vet this  
18 further --

19 COMMISSIONER RUFFOLO: I think that's a  
20 wonderful idea.

21 MR. BAUGH: -- and get you some answers.

22 CHAIRMAN KOPP: All right. Anybody else?

23 (No response.)

24 CHAIRMAN KOPP: I make a motion to continue

1 the public hearing for Zoning Hearing Case No. 19-05 to  
2 July 10th at 7:00 p.m.

3 Anybody second?

4 COMMISSIONER SOUKUP: Second.

5 CHAIRMAN KOPP: I guess did I do it by  
6 verbal last time?

7 SECRETARY SHEMROSKE: No, you did not do the  
8 second one verbal.

9 CHAIRMAN KOPP: Please call the roll.

10 SECRETARY SHEMROSKE: Commissioner Remkus.

11 COMMISSIONER REMKUS: Yes.

12 SECRETARY SHEMROSKE: Commissioner Soukup.

13 COMMISSIONER SOUKUP: Yes.

14 SECRETARY SHEMROSKE: Commissioner Ruffolo.

15 COMMISSIONER RUFFOLO: Yes.

16 SECRETARY SHEMROSKE: Commissioner Kaucky.

17 COMMISSIONER KAUCKY: Yes.

18 SECRETARY SHEMROSKE: Commissioner Walec.

19 COMMISSIONER WALEC: Yes.

20 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

21 VICE-CHAIRMAN WAGNER: Yes.

22 SECRETARY SHEMROSKE: Chairman Kopp.

23 CHAIRMAN KOPP: Yes.

24 All right. That's it for that matter.

(Whereupon, the proceedings.  
in the above-entitled cause  
were recessed to Wednesday  
July 10, 2019, at 7:00 p.m.)

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF C O O K )

Maureen K. Nagle, a Certified Shorthand Reporter, doing business in the City of Chicago, County of Cook, and the State of Illinois states that she reported in shorthand the proceedings had at the foregoing hearing;

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings had at the said hearing.

MAUREEN K. NAGLE, CSR  
CSR No. 084-002863





6/5/2019

**VILLAGE OF WILLOWBROOK**

**P.C. 19 - 04**

MAUREEN K. NAGLE

IN RE THE MATTER OF: )  
 )  
 Amateur Radio Text ) No. 19-04  
 Amendment. )

REPORT OF PROCEEDINGS had at the

hearing of the above-entitled cause before the

Plan Commission of the Village of Willowbrook, at the

Village of Willowbrook Police Department, 7760 Quincy

Street, Willowbrook, Illinois, on the 5th day of June,

2019, at the hour of 7:22 p.m.

1     PRESENT:

2         MR. DANIEL KOPP, Chairperson;

3         MR. JOHN WAGNER, Vice-Chairperson;

4         MR. LEONARD KAUCKY, Commissioner;

5         MR. WILLIAM REMKUS, Commissioner;

6         MR. GREGORY RUFFOLO, Commissioner;

7         MR. JAMES SOUKOP, Commissioner;

8         MR. MIKE WALEC, Commissioner;

9         MS. LISA SHEMROSKE, Building and Zoning Secretary.

10  
11     ALSO PRESENT:

12         Mr. Roy Giuntoli, Village Building Inspector;

13         Ms. Ann Choi, Village Planning Consultant;

14         Mr. Brian Baugh, Storino, Ramello & Durkin;

15         Dr. Ron Baran, Resident;

16         Mr. Scott McDonald, Esq.

1 CHAIRMAN KOPP: The next item on the agenda  
2 is Zoning Hearing Case 19-04. The purpose of this  
3 public hearing is to consider a request by the Village  
4 of Willowbrook as Petitioner to amend Sections 9-3-15,  
5 9-12-2, and 9-12-4(C) of the Zoning Title of the  
6 Village of Willowbrook regarding regulation of  
7 telecommunications antennas and antenna support  
8 structures.

9 The Applicant for this petition is the  
10 Village of Willowbrook. Notice of this public hearing  
11 was published in the May 18, 2019, edition of the  
12 Chicago Sun-Times newspaper.

13 MS. CHOI: Thank you, Chairman Kopp. So  
14 village staff is proposing a text amendment to the  
15 Zoning Ordinance to remove outdated information and to  
16 bring the Zoning Code into compliance with recently  
17 enacted state and federal laws and to clarify the  
18 application of certain bulk standards to the permitted  
19 accessory use of amateur radio antennas in residential  
20 districts.

21 On May 14, 2019, the proposed text  
22 amendments were presented at the Laws and Ordinances  
23 Committee composed of two Village Board trustees, the  
24 Village's building official, and the Village

1 administrator as well as two Village attorneys. This  
2 committee meets on the first Tuesday of each month?

3 MR. GIUNTOLI: Yes.

4 MS. CHOI: The proposed code language was  
5 drafted in response to a resident who wished to install  
6 a radio tower in his backyard. This type of building  
7 permit request has not come before the Village in more  
8 than 20 years; and because the Village had not dealt  
9 with this type of case in a long time, the Village was  
10 compelled to conduct an extensive review of the Zoning  
11 Ordinance with respect to how to handle this type of  
12 request. After reviewing the Ordinance, the Village  
13 discovered that the Ordinance had not been updated for  
14 quite some time and there had been changes to case law  
15 both at the federal and state levels and these changes  
16 had not been reflected in the Village's current antenna  
17 codes.

18 Small wireless facilities are now  
19 managed by the Small Wireless Facilities Deployment  
20 Act, and this act went into effect last year. It is a  
21 statute regarding small antenna systems and their  
22 deployment in municipalities, mostly in the  
23 rights-of-way; but the statute also has an impact on  
24 industrial and commercial areas.

1           The proposed text amendments will  
2     revise Section 9-3-15 to modify the language with  
3     respect to the Director of Municipal Services, which is  
4     no longer a position within the Village of Willowbrook.  
5     This is a minor clerical change.

6           The proposed text amendments will  
7     revise Section 9-12-2 of the Zoning Code to remove  
8     outdated language regarding setbacks for amateur radio  
9     antennas. This is an administrative correction and  
10    will refer amateur radio users to the correct section  
11    of the Code regarding setback requirements. This will  
12    ensure that the different sections of the Code  
13    involving amateur radio antennas interact correctly  
14    with each other.

15          Lastly, Section 9-12-4 will be amended  
16    to clarify that the limitations on the heights of  
17    amateur radio antennas and support structures are  
18    governed by Section 9-3-15 and not by the 15-foot  
19    limitation imposed on other types of accessory uses.

20          The proposed text amendments would not  
21    be changing the way the law of Willowbrook is applied.  
22    The bulk standards will remain the same. The Village  
23    of Willowbrook is merely proposing to clarify portions  
24    of the Code that were ambiguous and confusing.

1                   The proposed code language and text  
2 amendments are included in their entirety on Pages 2 to  
3 5 of the staff report.

4                   Staff has supported other proposed text  
5 amendments and suggests the Plan Commission recommend  
6 approval of the text amendment to the Village Board.  
7 If the Plan Commission concurs, a sample motion can  
8 also be found on Page 5 of the staff report.

9                   This concludes my report. I'm  
10 available for any questions.

11                  VICE-CHAIRMAN WAGNER: Would the -- would  
12 the proposed permit request still be allowed to --  
13 would it be able to be granted based on the changes you  
14 are proposing?

15                  MS. CHOI: Well, we haven't had an  
16 application for that yet.

17                  VICE-CHAIRMAN WAGNER: I thought you did.

18                  MS. CHOI: We were approached, but nothing  
19 has been -- no one has applied for anything yet.

20                  VICE-CHAIRMAN WAGNER: Okay.

21                  MS. CHOI: It would be difficult to assess  
22 that without a complete application or drawings.

23                  MR. GIUNTOLI: To clarify, we haven't had a  
24 complete application. We did get -- we did get partial



1 application, but it's not been completed. There is  
2 some missing information that we can't make an analysis  
3 on at this time whether or not it can be built as  
4 proposed.

5 CHAIRMAN KOPP: If I understand from what  
6 you are saying, we are not really changing the law, we  
7 are just correcting the law and, not only that, there  
8 is federal and state statutes that in some way dictate  
9 what work can be done?

10 MS. CHOI: That's correct.

11 MR. GIUNTOLI: Yeah.

12 CHAIRMAN KOPP: Any other questions?

13 (No response.)

14 CHAIRMAN KOPP: Anyone from the audience  
15 like to speak to this matter?

16 DR. BARAN: I do.

17 CHAIRMAN KOPP: You'll need to be sworn,  
18 sir.

19 (Witness sworn.)

20 DR. BARAN: I do.

21 Good evening. My name is Ron Baran. I  
22 live at 205 Waterford Drive in Willowbrook since 1996.  
23 I'm also an amateur radio operator since 1959, which  
24 makes me about 30.

1 I was a petitioner. I thought we  
2 had -- I thought we had all the information with the  
3 original permit request. I know I don't have enough  
4 information for a variance should I decide to do that;  
5 but there was a permit on file because you gave me a  
6 copy of it along with the other information, the  
7 engineering reports and so on.

8 The proposed text amendments came about  
9 because of this permit request, and my attorney  
10 contacted staff and contacted the village attorney in  
11 order to find out what kind of a permit we need when  
12 there is no ordinance that addresses this apparently in  
13 20 years. There is no ordinance on the books at this  
14 time.

15 Staff and attorney went to the Personal  
16 Wireless Ordinance, which is under the  
17 Telecommunications Act of 1996; and the definition of  
18 what that is is very specific and it does not include  
19 amateur radio. The proposal here is to put unlicensed  
20 personal wireless, which is basically cell towers and  
21 ways to get your iPad onto the internet, and we are a  
22 separate entity. We are licensed and we have a -- also  
23 there is what's referred to as the PRB-1. It's a  
24 federal regulation that deals specifically with amateur

1 radio and specifically with antenna support structures  
2 and specifically village ordinances.

3 We feel -- my attorney feels that it  
4 should be the PRB-1 that governs what's happening as  
5 opposed to rewriting the definition of the  
6 Telecommunications Act of 1996. Some local villages  
7 have ordinances that are PRB-1 compliant, others don't.  
8 We feel that that would be appropriate in this  
9 particular case, that the PRB-1 would be the governing  
10 ordinance.

11 A couple quick comments -- How am I  
12 running here?

13 CHAIRMAN KOPP: Oh, you are fine.

14 DR. BARAN: There is a little bit of  
15 confusion in the -- in the proposed amendments. For  
16 example, on Page No. 2, the fifth paragraph: Amateur  
17 radio communications including shortwave, HAM, and CB  
18 radio services.

19 HAM and amateur radio are the same  
20 thing, so I would suggest that be taken out, also  
21 shortwave, because the only people that can operate  
22 shortwave, are HAMers.

23 The same thing in the last paragraph on  
24 No. 2 -- Page No. 2: Amateur radio communications,

1 including shortwave and HAM.

2 I would recommend striking that.

3 On Page No. 3 we don't see anything.

4 Again, the same thing runs through the whole document.

5 Looking on Page No. 4, No. 3, we have the same

6 shortwave, CB, HAM, and amateur radio. No. 6 is the

7 same thing.

8 The second-to-last paragraph here

9 advocates a subject to bulk specific regulations. It

10 says in quotes: Antenna, shortwave radio, transmitting

11 and receiving, citizen band radio.

12 I suggest amateur radio be put in there

13 because that's what this whole part of the ordinance is

14 about.

15 On Page 5, the first paragraph under

16 the big list of things, the height of the antenna for

17 use in shortwave, transmitting and receiving, I suggest

18 we refer directly as amateur radio; and also the height

19 of antenna, I would suggest we refer to that as the

20 antenna support structure rather than the antenna.

21 I think that cleans it up pretty much.

22 CHAIRMAN KOPP: All right. So the -- but

23 your first comment about, I forget, the federal

24 regulation --

1 DR. BARAN: Uh-hmm.

2 CHAIRMAN KOPP: Does it conflict to your  
3 knowledge with what the Village has here?

4 DR. BARAN: It does. It does because we are  
5 talking about the first -- it's easy to get that  
6 confused because after I -- I couldn't put an antenna  
7 support structure up in the backyard because we had all  
8 these big, beautiful ash trees. Now we don't have all  
9 those big, beautiful ash trees anymore so it was  
10 possible to put this up. But I went and looked in the  
11 Village Code, and I mistook personal wireless service  
12 for amateur radio and it's a long -- it's a long --  
13 what do you call those -- it's a long --

14 COMMISSIONER RUFFOLO: Ordinance?

15 DR. BARAN: Thank you.

16 It's a long ordinance and got confused  
17 quite a bit and contradicted a lot of things, and lot  
18 of this stuff didn't apply to amateur radio.

19 For example, there was a change also in  
20 the bond code. It required -- the P.W.S. required  
21 monopole antennas. Well, HAMS don't use monopole  
22 antennas, they just don't. So what that does is it  
23 conflicts with the very definition. Going in and  
24 changing a definition from the Telecommunications Act

1 to make it -- to use that ordinance as something that  
2 it isn't, probably isn't a good idea. I don't know the  
3 legal ramifications, I'm not an attorney, I don't do  
4 such things; but the other ordinance, the PRB-1, is an  
5 ordinance that directly applies to amateur radio, to  
6 village ordinances, and to antenna support structures.  
7 So I would suggest re-looking at that to see if, in  
8 fact, that would be a controlling ordinance or to the  
9 controlling federal regulation in this case.

10 CHAIRMAN KOPP: If it preempts?

11 DR. BARAN: Yes.

12 CHAIRMAN KOPP: Ann, do you know was the  
13 village attorney involved in this process?

14 MS. CHOI: Yes, these amendments were  
15 extensively vetted by the village attorney to make sure  
16 that it complied with PRB-1.

17 Some of the amendments, we do address  
18 the monopole issue where --

19 DR. BARAN: I noticed. Yeah.

20 MS. CHOI: That would be on Page 4 under  
21 Amend Section 9-3-15(D)(2), which specifically  
22 addressed that provision, that the paragraph shall not  
23 apply to amateur radio devices.

24 DR. BARAN: Yeah. Well, that's why I didn't

1 address it.

2 Changing the definition that came from  
3 the Telecommunications Act of 1996, I don't know that  
4 that's a really good idea. It's very specific. It  
5 doesn't speak to amateur radio, and there are other  
6 federal regulations that do speak to amateur radio.

7 CHAIRMAN KOPP: Let me ask you this because  
8 this is, I think, beyond the expertise of everyone up  
9 here: Is this impacting what you want to do?

10 DR. BARAN: Oh, absolutely. The village  
11 attorney and my attorney went in circles for quite a  
12 while, and there is a real difference of opinion  
13 between the two as to what's legal and what isn't, you  
14 know; and so we disagreed with the village attorney on  
15 that point.

16 CHAIRMAN KOPP: Okay. I'm sort of at a  
17 loss.

18 VICE-CHAIRMAN WAGNER: Continue this  
19 until --

20 COMMISSIONER KAUCKY: Can I just ask a  
21 question? There were some communities that have  
22 formulated their plan using this PRB-1 of compliance?

23 DR. BARAN: Uh-hmm.

24 COMMISSIONER KAUCKY: Who did that, what

1 communities?

2 DR. BARAN: Some are local. I didn't get a  
3 chance to look at every community.

4 COMMISSIONER KAUCKY: Okay.

5 DR. BARAN: So we've got Burbank, Gary and  
6 Downers Grove, County of DuPage, Grayslake, Hinsdale,  
7 Lindenhurst, Long Grove, Mount Prospect, Round Lake,  
8 Schaumburg, Volvo, Wadsworth, Westchester, Western  
9 Springs, and Worth.

10 COMMISSIONER KAUCKY: Those are all PRB-1  
11 compliant?

12 DR. BARAN: As far as I can tell. I didn't  
13 read anything in the entire -- all of the regulations;  
14 but they speak to the common-sense things, the strength  
15 of the structure, for example. We are in a zone where  
16 we are required by T.I.A., Telecommunication Institute  
17 something, so that when we put up one of these  
18 structures, it complies with their regulations. So  
19 this is not about just slapping up, you know, a couple  
20 things you found in the backyard and trying to make an  
21 antenna out of it.

22 Actually, when I submitted the permit  
23 request, I sent a wet stamped structural engineer  
24 drawings along with it just to show that, you know, I



1 don't want that thing to fall down. Last I checked, it  
2 could withstand, and it's total load of antennas on the  
3 top, which I'm not going to do, but F-1 tornados, over  
4 107 miles an hour.

5 CHAIRMAN KOPP: How tall is it?

6 DR. BARAN: It goes up and down. It's  
7 retractable.

8 MR. GIUNTOLI: How tall would you like to  
9 make this antenna?

10 DR. BARAN: 75 feet, cranks down to 25 feet.  
11 The structure itself -- total height is 69 feet 6  
12 inches and, of course, you have to put a rotor on the  
13 inside and antenna on the top part of it to spin  
14 around.

15 COMMISSIONER REMKUS: That's the same type  
16 of antenna that used to be on 75th over there, a guy  
17 had it in his backyard?

18 DR. BARAN: Uh-hmm. I think that's the same  
19 one. I'm not sure.

20 COMMISSIONER REMKUS: It's only up when you  
21 are using it?

22 DR. BARAN: It's not like a garage door  
23 opener. It takes a while to go up and down. If I'm in  
24 my study with the radio on and I hear a country that I

1 want to talk to, it's impractical to run out there and  
2 try to raise that thing because he will be long gone by  
3 the time I get that thing up and down.

4 The point is: If weather starts to  
5 look questionable, I bring it down; if I'm out of town  
6 for any period of time, I bring it down; if something  
7 happens where I'm not around and something horrible  
8 starts to happen, I've got two sons-in-law who owe me  
9 big time.

10 COMMISSIONER REMKUS: How is that  
11 interference with that with say people who have an  
12 antenna for free TV and that when you transmit?

13 DR. BARAN: Used to be a problem back when  
14 we had 2, 5, 7, 9 --

15 COMMISSIONER REMKUS: That's the era I'm  
16 from.

17 DR. BARAN: Say that again.

18 COMMISSIONER REMKUS: That's the era I'm  
19 from.

20 DR. BARAN: Me too. Everything digital is  
21 not interfered by the stuff at all. People who have  
22 the digital free TV, because there is no more 2, 5, 7,  
23 9, it's all way high, and it tends not to get into that  
24 sort of thing.

1 CHAIRMAN KOPP: It's interesting you mention  
2 the one on 75th Street because --

3 COMMISSIONER REMKUS: It's gone now.

4 CHAIRMAN KOPP: It's totally gone, but I  
5 remember seeing it from Crest Park even. You would  
6 notice that thing.

7 COMMISSIONER WALEC: I have a question, I'm  
8 sorry. The address wherever this antenna would be at?

9 DR. BARAN: I'm sorry?

10 COMMISSIONER WALEC: The address where this  
11 antenna would be?

12 DR. BARAN: 205 Waterford Drive. It's an  
13 R-2.

14 CHAIRMAN KOPP: I'm not interested in  
15 passing an ordinance that maybe conflicts with federal  
16 law, so I like Vice-Chairman Wagner's suggestion to  
17 continue this so that maybe we can have the village  
18 attorney weigh in on this specific issue.

19 MS. CHOI: Yes, that can be on the July 8th  
20 meeting, I believe.

21 CHAIRMAN KOPP: Sure. We sometimes skip  
22 July but I don't know -- I don't know if --

23 DR. BARAN: July is fine as long as you turn  
24 the air conditioner up. So we are talking about

1 July 8th tentatively?

2 CHAIRMAN KOPP: It would be the first  
3 Wednesday in July.

4 MS. CHOI: I just wanted to, for the record,  
5 state that this doesn't prevent anyone from requesting  
6 a variation from the ordinance; it just cleans it up.  
7 There were two sections of the Code that were  
8 conflicting with each other. It would just point you  
9 in the right direction as to where the bulk regulations  
10 are. I just wanted to make that clear.

11 CHAIRMAN KOPP: Well, what kind of a right  
12 antenna could be put up?

13 MS. CHOI: Well, so the section under  
14 accessory uses allowed a height of 15 feet. That  
15 section would be amended to direct you to 9-15-3 --  
16 9-3-15, and that's based on where you need to locate  
17 the antenna in your rear yard because that's where it's  
18 allowed, and then it's dictated by the distance from  
19 the adjoining property.

20 CHAIRMAN KOPP: Okay.

21 MS. CHOI: So if it's located right in the  
22 middle, your height is dictated by how far it is from  
23 the adjoining lot lines.

24 CHAIRMAN KOPP: Okay.

1 MS. CHOI: It's a safety issue because you  
2 don't want a 75-foot antenna toppling into your  
3 neighbor's yard.

4 DR. BARAN: That's very valuable for some  
5 kinds of antenna support structures but not for this  
6 one because it has a -- it has a weak point halfway up  
7 the support structure. I contacted the manufacturer,  
8 who is a licensed structural engineer in California,  
9 and he talked -- we talked about fall area, which is  
10 what we are talking about.

11 Halfway up -- Suppose this tower went  
12 all the way up and a tornado came in. If that thing  
13 failed, it would fail at 35 feet, which basically means  
14 that the other 34 feet would bend down on itself. He  
15 tells me -- I got a letter, but I didn't bring it. He  
16 tells me that that fall area is about 20 feet. Support  
17 structures don't fall down like a pencil. This  
18 particular one is a foundation that's 7 feet deep by 5  
19 by 5, and the purpose of that is to keep the fulcrum  
20 plate below ground. So it would be a tremendous force  
21 to take that thing and bend it over like that.

22 Again, we have the structural engineer  
23 who did all the work on this, and he's licensed in  
24 Illinois, but he's no longer with us.

1           CHAIRMAN KOPP: Well, I think that the most  
2 important thing is to figure out if federal law  
3 preempts this. Then it's silly for us to even discuss  
4 like what we can or cannot prohibit you from doing.

5           DR. BARAN: Uh-hmm.

6           CHAIRMAN KOPP: I think we should continue  
7 this until we can get some input from the village  
8 attorney.

9                       So I will make a motion to continue  
10 this public hearing until the next meeting on the first  
11 Wednesday of July.

12                      Does someone second?

13           COMMISSIONER RUFFOLO: Second the motion.

14           CHAIRMAN KOPP: All in favor say aye.

15                               (A chorus of ayes.)

16           DR. BARAN: Thank you, Mr. Chairman,  
17 Commissioners.

18           CHAIRMAN KOPP: All right.

19                      The next item on the agenda is -- Oh,  
20 it's July 3rd. So Vice-Chairman Wagner pointed out  
21 that the first Wednesday of July is July 3rd, which  
22 it's going to be hard to find people to attend the  
23 meeting. So I don't know if we are going to defer it  
24 to the next --

1 DR. BARAN: If you have hotdogs and stuff.

2 CHAIRMAN KOPP: -- the next Wednesday, but  
3 it will be published.

4 DR. BARAN: Okay.

5 MR. BAUGH: Mr. Chair, my name is Brian  
6 Baugh from the village attorney's office.  
7 Unfortunately, I don't have any functional knowledge of  
8 what everybody was just talking about. Matt Holmes,  
9 who is an expert in this area of law, he would be here  
10 but his wife is having a baby like at any hour.

11 As far as your motion to continue, I  
12 would just ask that the prior motion be withdrawn and  
13 somebody make a new motion to continue it to a specific  
14 date, time, and place so we don't have to republish the  
15 notice.

16 CHAIRMAN KOPP: Okay.

17 MR. BAUGH: If you don't think you are going  
18 to be able to have a quorum on July 3rd, my  
19 recommendation would be to just continue it to a date  
20 specific in August.

21 CHAIRMAN KOPP: Do we know if there is going  
22 to be anything else in July?

23 MS. CHOI: We do, although we have to verify  
24 that there will be a quorum of Plan commissioners for

1 that July 8th meeting.

2 CHAIRMAN KOPP: It would be the 10th.

3 MS. CHOI: The 10th.

4 CHAIRMAN KOPP: I don't --

5 VICE-CHAIRMAN WAGNER: July 8th -- I'm  
6 sorry. July 8th is a Monday.

7 MS. CHOI: July 10th.

8 CHAIRMAN KOPP: Are people amenable to a  
9 meeting on the 10th?

10 VICE-CHAIRMAN WAGNER: Yes.

11 COMMISSIONER REMKUS: Yes.

12 COMMISSIONER WALEC: Yeah.

13 CHAIRMAN KOPP: I make a motion that we  
14 continue public hearing -- the Public Hearing 19-04 to  
15 July 10th at 7:00 p.m. at the Village Hall.

16 Will someone second that motion?

17 COMMISSIONER WALEC: Second.

18 CHAIRMAN KOPP: All in favor say aye.

19 (A chorus of ayes.)

20 CHAIRMAN KOPP: Thank you.

21 (Whereupon, the proceedings.

22 in the above-entitled cause

23 were recessed to Wednesday

24 July 10, 2019, at 7:00 p.m.)



1 STATE OF ILLINOIS       )  
                                  ) SS.  
2 COUNTY OF C O O K       )

3  
4       Maureen K. Nagle, a Certified Shorthand  
5 Reporter, doing business in the City of Chicago, County  
6 of Cook, and the State of Illinois states that she  
7 reported in shorthand the proceedings had at the  
8 foregoing hearing;

9       And that the foregoing is a true and correct  
10 transcript of her shorthand notes so taken as aforesaid  
11 and contains all the proceedings had at the said  
12 hearing.

13  
14  
15                                       \_\_\_\_\_  
16                                       MAUREEN K. NAGLE, CSR  
                                      CSR No. 084-002863  
17  
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24



**Village of Willowbrook**  
**Staff Report to the Plan Commission**

**Plan Commission Date:** July 17, 2019

**Prepared By:** Ann Choi, Planning Consultant

**Case Title:** Reyes Subdivision (Two Residential Lot Consolidation)

**Petitioner:** Marc and Maureen Reyes  
6350 South Clarendon Hills Road, Willowbrook, IL 60527

**Action Requested:** Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation) and Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions and variations from Title 9 of the Village Code.

**Purpose:** The consolidation of two existing residential lots into a single Lot of Record.

**Location:** 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois.

**PINs:** 09-22-203-017 (Lot 2) and 09-22-203-018 (Lot 3)

**Existing Zoning:** R-2 Single-family Residential District

**Proposed Zoning:** R-2 Single-family Residential District

**Property Size:** 1.289 Acres

**Surrounding Land Use:**

	Use	Zoning
North	Single-family Residential	R-2
South	Single-family Residential	R-1A
East	Single-family Residential, Multiple Family Residential	R-1, R-5
West	Single-family Residential	R-2

**Necessary Action by  
By Plan Commission:**

Make a recommendation to the Village Board  
Staff's Recommendation can be found on page 11.



## **Documents Attached:**

- Attachment 1: Legal Description
- Attachment 2: Location Map (1 Sheet)
- Attachment 3: Engineering Drawings, bearing a revision date of 5/23/19 (3 Sheets)
- Attachment 4: Final Plat of Subdivision, bearing a revision date of 4/9/19 (1 Sheet)
- Attachment 5: Engineer's Review Letter (CBBEL), dated 5/23/ 2019, (1 Sheet)
- Attachment 6: Engineer's Estimate of Probable Cost, dated 5/17/ 2019, (1 Sheet)



## Background

### Introduction

Marc and Maureen Reyes, the current property owners of 6350 Clarendon Hills Road and 6406 Clarendon Hills Road ("applicant"), have filed an application seeking Final Subdivision Plat approval to consolidate the two lots located at 6350 Clarendon Hills Road and 6406 Clarendon Hills Road ("subject properties") into a single lot of record, together with the following relief:

1. A variation from Section 9-5B-3(D)2 to reduce the interior side yard setback from 20 feet to 14.66 feet along the north property line.

This application is subject to review by the Plan Commission regarding the subdivision, including the requested zoning relief describe above.

A mailed notice has been sent to property owners within 250 feet in compliance with Section 9-15-3 of the Zoning Ordinance. The public hearing was properly noticed for the variation request in the July 1, 2019 edition of *The Chicago Sun Times* newspaper.

### Description of Site and History

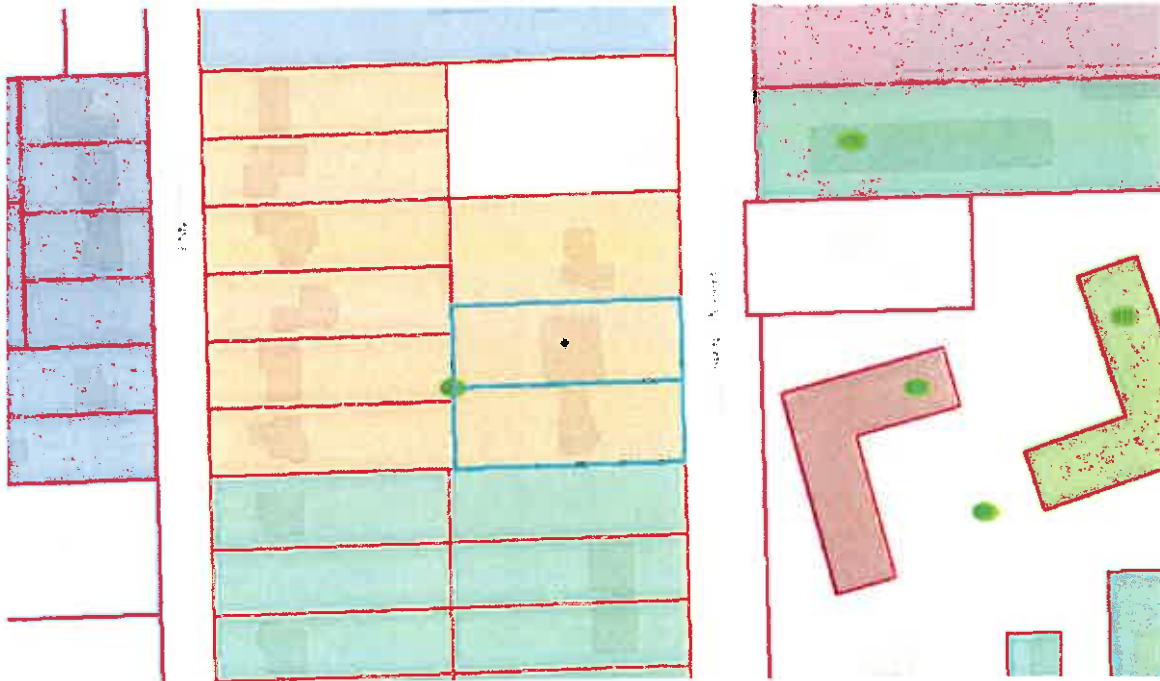
The subject properties are located on the west side of Clarendon Hills Road, just south of 63<sup>rd</sup> Street. The subject properties are Lots 2 and 3 in the Tudor Manor Subdivision, which was approved by the Village in 1978. The northern lot of the combined 1.289-acre subject property is currently improved with a one-story single-family home. In 2018, the single-family home located on the southern lot was demolished. Both lots compose the subject property, and the proposed consolidated lot measures approximately 200 feet by 280 feet with a total approximate area of 56,000 square feet. An existing 6-inch water main currently runs along the east-west property line between the two properties that will require relocation. The accompanying easement will need to be vacated and rededicated in accordance with current provisions as part of the subdivision process. The easement and water main relocation have been reviewed by the Village Engineer and is discussed in the Staff Analysis portion of this report.

The subject properties are located within the R-2 Single Family Residential Zoning District and currently consists of two (2) buildable lots measuring approximately 28,065 square feet (6350 Clarendon Hills Road) and approximately 28,065 square feet (6406 Clarendon Hills Road). The 6406 Clarendon Hills Road parcel is a vacant lot, previously improved with a single-family residence which was torn down in late 2018. The 6350 Clarendon Hills Road parcel is improved with an existing single-family residence. The existing parcels are depicted in **Exhibit 1** and **Exhibit 2** on the following page.

The Comprehensive Plan Land Use Plan designates the subject properties as appropriate for low density residential development. The current R-2 zoning designation is consistent with the Comprehensive Plan.

The applicant resides at 6350 Clarendon Hills Road. As previously stated, the residence at 6406 Clarendon Hills Road was demolished in late 2018 in preparation for the expansion of the existing home on 6350 Clarendon Hills Road. The applicant purchased the adjacent property at 6406 Clarendon Hills Road in 2018 for the purpose of consolidating with their lot at 6350 Clarendon Hills Road. If approved, the proposed subdivision would consolidate the two parcels into a single buildable lot with a lot area of approximately 56,000 square feet. The applicant has indicated to planning staff that an addition to their existing home is planned sometime in the future, but no architectural plans have been submitted to the Village at this time.

**Exhibit 1: Map View of the subject properties**



**Exhibit 2: Aerial View of the subject properties**



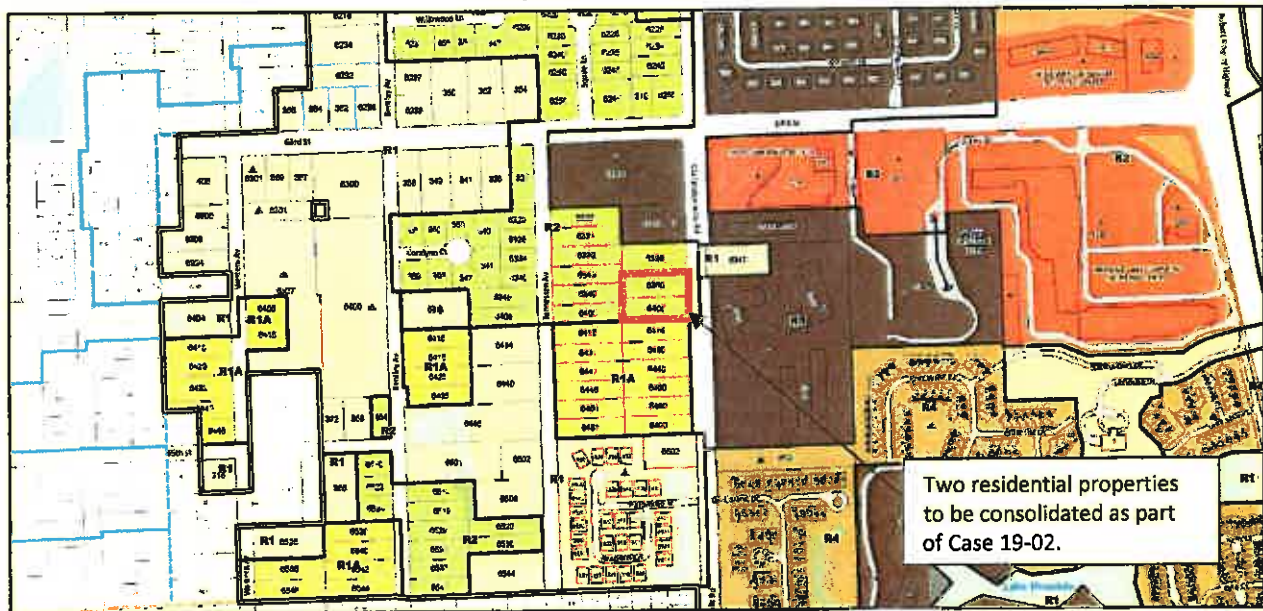
**Surrounding Zones and Uses**

Surrounding zoning and uses include single-family residential lots in the R-2 zoning district to the north and west, single-family residential lots in the R-1A zoning district to the south, a single-family residential lot in the R-1 zoning district and a multi-family residential lot in the R-5 zoning district to the south ("The Lawns")



condominiums), and single-family residences in the R-2 zoning district to the west. The Comprehensive Plan designates the site for “Low Density Residential (1-4 dwelling units/acre)” uses, which corresponds to the R-2 Single-family Residential Zoning District.

**Exhibit 3: Zoning Map (R-2 Single-family Residential)**



### Existing Streets and Circulation

Clarendon Hills Road is designated as a Minor Arterial and forms the eastern boundary of the site with a required right-of-way width of 100 feet.

### Overview

#### Development Proposal

The applicant is requesting approval of a Final Plat of Subdivision for a two residential lot subdivision (lot consolidation). The applicant has also requested a waiver from the preliminary plat requirements. Because this subdivision meets the standards for a “minor subdivision”, as defined in Section 10-3-4(G) of the Subdivision Regulations, the preliminary plat may be waived by the zoning officer.

As previously stated, the property is zoned R-2. The proposed consolidated lot would meet the bulk standards of the R-2 zoning district, with the exception of the interior side yard setback. The existing single-family home located at 6350 Clarendon Hills Road currently complies with the R-2 interior side yard setback of 8.5 feet or 10% of the lot width, whichever is greater. After consolidation, however, a nonconformity would be created since the interior side yard setback would be calculated based on the new lot width of 200 feet. Thus, a variation to reduce the interior side yard setback is needed.

### Staff Analysis

#### Compliance with Zoning Standards

The extent to which the proposed lot complies with the minimum bulk regulations for the R-2 district are provided in **Exhibit 4** on the following page. Items highlighted in **RED** are items of zoning noncompliance. Staff evaluation of the proposed Reyes Subdivision indicates that one zoning nonconformity is created with respect to the required setback. The proposed subdivision therefore requires zoning relief from the minimum interior side yard setback requirement.



**Exhibit 4: R-2 Zoning District Compliance Table**

R-2 Zoning District				
Item	Code Section or Ordinance	Code Requirement	Proposed	Departure
Minimum Lot Area	9-5B-3(A)	13,000 square feet	56,000 square feet	None
Minimum Lot Width	9-5B-3(B)	75'	200'	None
Minimum Lot Depth	9-5B-3(C)	150'	280'	None
Minimum Front Yard Setback	9-5B-3(D)1	40'	98.09'	None
Minimum Interior Side Yard Setback	9-5B-3(D)2	20'	14.66'	Yes
Minimum Exterior Side Yard Setback	9-5B-3(D)3	40'	n/a	n/a
Minimum Rear Yard Setback	9-5B-3(D)4	30'	109.67'	None
Maximum Lot Coverage	9-5B-3(E)	30%	Approximately 9%	None
Maximum Height	9-5B-3(F)	35' or two stories, whichever is less	30'	None
Maximum Floor Area Ratio	9-5B-3(G)	0.30	Less than 0.30	None

#### **Compliance with Subdivision Standards**

All changes to the configuration of lot lines are subject to the Title 10 Subdivision Regulations, and are subject to review and approval by the Plan Commission and Village Board. As part of that review process, lot consolidations are subject to review for compliance with both the Village's Subdivision Regulations and the Zoning Ordinance.

The proposed subdivision complies with the requirements of Section 10-4-3 Design Layout Standards – Lots:

#### **(A) Sizes and Shapes:**

1. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

The proposed consolidation would meet the minimum requirements for lot area, lot width and lot depth in the R-2 zoning district. The proposed lot consolidation would result in a lot area of approximately 56,000 square feet, a lot width of approximately 200 feet, and a lot depth of approximately 280 feet. The shape of the consolidated lot would be regular and measure approximately 200 feet by 280 feet. The applicant is requesting a lot consolidation to allow for a future addition to the existing single-family residence that would potentially extend over the existing lot line between the subject properties. The lot size, width, depth and shape are appropriate for the location and the type of development contemplated.

2. Lot areas and widths shall conform to at least the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.

The minimum lot area and width for the R-2 zoning district are 13,000 square feet and 75 feet, respectively. The proposed consolidation would result in a lot area of approximately 56,000 square feet and a lot width of approximately 200 feet. Therefore, the lot area and width



**would conform to the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.**

3. Building setback lines shall conform to at least the minimum requirements of the zoning ordinance.

**The proposed lot consolidation would not conform to the minimum interior side yard setback required by the zoning ordinance, and the applicant is therefore requesting approval of a variation from Section 9-5B-3(D)2 to meet the requirements of the Subdivision Ordinance and allow for the consolidation of the subject properties. The existing single-family residence currently conforms to the minimum requirements of the zoning ordinance. However, the proposed lot consolidation of the subject properties would create a nonconformity with regards to the interior side yard setback along the north property line. The required interior side yard setback is calculated based on the width of the lot; currently the interior side yard setback is 10% of the lot width, or 10 feet. The existing single-family home is currently setback from the north property line at a distance of 14.66 feet; therefore it complies with the existing interior side yard setback requirement. After the proposed lot consolidation, the required interior setback would increase to 20 feet. The applicant is thus requesting a 26.7% reduction in the minimum interior side yard requirement to 14.66 feet. Approval of the variation from Section 9-5B-3(D)2 would cause the existing single-family residence to become a legal structure with regard to the interior side yard requirement and therefore building setback lines would conform to at least the minimum requirements of the zoning ordinance.**

4. Excessive lot depth in relation to width shall be avoided. A depth to width ratio of three to one (3:1) shall normally be considered a maximum. (Ord. 79-O-43, 11-26-1979)

**The lot depth is currently approximately 280 feet and the proposed lot width would be approximately 200 feet. The proposed lot consolidation would result in a lot depth to width ratio of 1.4:1, significantly lower than the 3:1 maximum requirement.**

5. Through lots having frontage on two (2) parallel streets are discouraged and shall only be permitted in circumstances where the Village Board determines that the health, safety and general welfare of the affected public will not be adversely impacted. (Ord. 05-O-17, 6-13-2005)

**This requirement is not applicable since the subject properties are not currently through lots and will not become through lots after consolidation.**

**(B) Arrangement:**

1. Every lot shall front on a street.

**The proposed lot consolidation would result in a lot that fronts on Clarendon Hills Road.**

2. Side lot lines shall be at right angles or radial to the street lines.

**The subject properties are located on the west side of Clarendon Hills Road. As indicated in the Final Plat of Subdivision, the side lot lines will be at right angles to Clarendon Hills Road.**





3. Streets and lots shall be arranged, to the extent possible, so as to assure that dwellings do not face rear or side yards of lots across streets wherever possible. Where such lot relationships are permitted to exist, through lots shall be screened from the street by berms or intensive and obscuring landscaping. (Ord. 79-O-43, 11-26-1979)

**The proposed lot consolidation will not alter the orientation of the existing single-family residence. The existing single-family residence currently faces Clarendon Hills Road and will continue to face Clarendon Hills Road after subdivision occurs.**

#### **Subdivision Improvements**

The applicant wishes to consolidate the two residential lots in order to build an addition to their existing home over the lot line (between the two lots) at some future time. An existing 6" water main runs along the east-west lot line between the two residential lots which makes it infeasible for a future expansion along the southern portion of the existing residence. A new 6" water main will be relocated within a variable 15-foot and 25-foot wide drainage and utility easement that runs along the east, west and southern lot lines on Lot 3 of the Tudor Manor Subdivision as depicted in **Attachment 3**. The reason for the water main relocation is that in the event of a potential water main rupture in the future, the Village could not wait while the property owner makes arrangements to disassemble a connecting link bridge to bring in a backhoe to repair the break. It is therefore necessary to vacate the current easement and dedicate a new easement for the relocation of the water main. In order to facilitate this project, the two residential lots would first need to be consolidated through the subdivision process. The relocation of the water main will not affect water service to the existing homes on Clarendon Hills Road and Tennessee Avenue, and would not involve the relocation of any existing fire hydrants.

#### **Wetlands/Stormwater Management**

The consolidation of two existing residential lots will not generate an increase of any net new impervious area. Therefore, no stormwater detention is required.

### **Findings of Fact**

#### **Standards for Variations**

Section 9-14-4(E) of the Willowbrook Zoning Ordinance establishes seven (7) standards for variations that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the variance. A list of the Standards for Variations is provided below, along with the proposed findings to be incorporated in the Plan Commission's recommendation and the Village Board's ordinance if approved.

**(A)** The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

**Applicant Finding:** The subject property includes the applicant's home, which they desire to continue using as their residence. Their desire is to expand the existing home at the side, onto the adjacent lot which they acquired for that purpose. The ordinance would require them to remove the northern, currently conforming, portion of the existing home as a condition of consolidating the two lots. Removal of the conforming home, just to rebuild a few feet to the south, would be economically prohibitive.

**Staff Finding:** The applicant demolished the existing home on the 6406 Clarendon Hills Road lot in late 2018 so that an addition could be built to the existing single-family residence on the 6350



Clarendon Hills Road lot sometime in the future. In order to accommodate this future addition, the relocation of an existing 6" water main was necessary since it ran directly between the two lots, and would run underneath any future expansion of the existing home. The applicant was required to go through the subdivision process to facilitate the relocation of the water main. The consolidation of the two lots required a variation from the zoning ordinance due to a nonconformity (interior side yard setback) that would result from the act of consolidation. The approval of the requested variation would allow the existing single-family residence to be considered a legal structure and this would allow the consolidation under the Subdivision Ordinance to be approved because it would meet all requirements under the Subdivision Ordinance. Without the approval of the variation, the consolidation of the lots could not occur. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-2 Single-family Residence District.

(B) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

**Applicant Finding:** The location of the existing home conforms with the zoning ordinance, and matches the distance between home and lot line and from home to home in the neighborhood. Allowing the existing home to remain in its current location, rather than require the removal of the home as a condition of the required consolidation of the two lots, alleviates the unusual and unnecessary requirement of removal of a substantial portion of the home to meet the new setback based on the increased width of the lot.

**Staff Finding:** If the strict letter of the regulations were carried out, the applicant would be required to remove the portion of the existing residence that encroaches in the newly nonconforming interior side yard setback along the north property line. Another alternative would be to pick up the entire residence from its foundation and setting it down less than six feet to the south. The variation will allow the applicant and property owner to maintain her existing home on two lots that she currently owns, without requiring the applicant/property owner to remove the portion of the structure that encroaches in the new interior side yard setback, or relocate the entire home, both of which would be cost prohibitive.

(C) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

**Applicant Finding:** The home was set in its current location long ago, prior to the current owner's (the applicant's) involvement. The current owners did not create the ordinance requirement nor the application of the ordinance in this context, the addition of land on the far side of a lot from a home located in a conforming location relative to the adjacent home.

**Staff Finding:** The hardship has been created by the simple act of consolidating the two residential lots. The applicant's home and lot currently conform to all bulk regulations, including the interior side yard setback, required by the R-2 zoning district (the underlying zoning district of the subject properties). The applicant merely desires to consolidate the adjacent lot, which they recently acquired, with their existing property, in order to build an addition to their existing home over the lot line (between the two lots) at some future time. An existing 6" water main that runs between the two lots makes it infeasible for a planned expansion along the southern portion of the existing residence. In the event of a potential water main rupture, the Village could not wait while the property owner makes arrangements to disassemble a connecting link bridge to bring in a backhoe



to repair the break. It is therefore necessary to vacate the current easement and dedicate a new easement for the relocation of the water main. In order to facilitate this project, the two residential lots would first need to be consolidated through the subdivision process.

**(D)** The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

**Applicant Finding:** The home, currently conforming relative to its relation to the neighboring property, will remain in its current location. No injury nor detriment will result from the existing home remaining in its present location, nor will the preservation of the existing conforming home be injurious or detrimental to the public welfare, nor injurious to other property in the neighborhood.

**Staff Finding:** The proposed variation will allow the applicant/property owner to maintain her existing home on two lots that she currently owns. The existing residence will maintain the same distance from the north property line after lot consolidation. The applicant is not proposing to redevelop the consolidated lot with a new building; the variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built. The proposed variation to relieve the petitioner of the requirement to conform to the minimum requirements of the zoning ordinance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

**(E)** The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

**Applicant Finding:** The home will remain in its current location relative to its neighbor – so there will be no negative restriction on either light or air. There will be one rather than two homes, so to that extent, congestion should be reduced. No negative impact to fire nor public safety will result.

**Staff Finding:** The proposed variation will allow the applicant/property owner to maintain her existing home on two lots that she currently owns. The existing residence will maintain the same distance from the north property line after lot consolidation. The applicant is not proposing to redevelop the consolidated lot with a new building; the variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built. Therefore, the proposed variation will not impair an adequate supply of light and air to the adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

**(F)** The proposed variation will not alter the essential character of the locality. (Ord. 77-O-4, 2-14-1977)

**Applicant Finding:** The essential character of the locality is single-family residential, which will not be altered.

**Staff Finding:** The existing residence will maintain the same setback distance from the north property line after lot consolidation. No building alterations are being proposed as part of this application. The proposed variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built, and will not alter the essential character of the locality.

**(G)** The proposed variation is in harmony with the spirit and intent of this title. (Ord. 97-O-05, 1-27-1997)



**Applicant Finding:** The proposed variation is in harmony with the spirit and intent of the Code.

**Staff Finding:** The proposed variation is in harmony with the spirit and intent of this title. The granting of the requested variation will allow the existing single-family residence to be considered a legal structure in order for the consolidation of two adjoining residential lots.

### **Staff Recommendation**

Staff has found the application materials to be complete and the Final Plat to be in compliance with the Zoning and Subdivision Codes. Staff recommends that the Plan Commission recommend to the President and Village Board approval of a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and a Final Plat of Subdivision in the R-2 District for the subject property legally described in **Attachment 1**, subject to the following plans and conditions listed below:

1. Final Plat of Subdivision of "Reyes Subdivision", prepared by Intech Consultants, Inc., bearing a revision date of 4/9/2019, consisting of one (1) sheet.
2. The applicant shall complete all of the water main improvements depicted on the Final Engineering Drawings, prepared by Intech Consultants, Inc., bearing a revision date of 5/23/19, consisting of three (3) sheets, prior to the issuance of a building permit for any additions to the existing single-family residence, and not more than one year after the date that the Final Plat of Subdivision is approved by the Board of Trustees.
3. The variation for the reduced side yard setback shall only apply to the existing single-family residence that exists on the property as of the date of the application, and does not apply to any other structure, including any new residence built on the property.
4. A Letter of Credit in an amount of no less than \$40,833.50 shall be submitted to the Village to guarantee the construction of all public improvements associated with the Reyes Subdivision.

### **Sample Motion**

Based on the submitted petition and testimony provided, I move that the Plan Commission finds that the proposed Reyes Subdivision Final Plat of Subdivision consolidating 6350 Clarendon Hills Road and 6406 Clarendon Hills Road into a single Lot of Record, which requires a variation from Section 9-5B-3(D)2 of the Zoning Ordinance to reduce the minimum interior side yard setback along the north property line, meets the Subdivision Regulation standards for approving such final plat and associated variations; that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report for PC 19-02 for the July 17, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-5B-3(D)2 to reduce the minimum interior side yard setback along the north property line; and the Plan Commission has reviewed the Final Plat of Subdivision and recommends approval of a Final Plat of Subdivision for PC 19-02 for the July 17, 2019 Plan Commission meeting, subject to the conditionals of approval and plans listed in the Staff Report prepared for PC 19-02 for the July 17, 2019 Plan Commission meeting.



**Attachment 1**  
**Legal Description**

**PINS:**

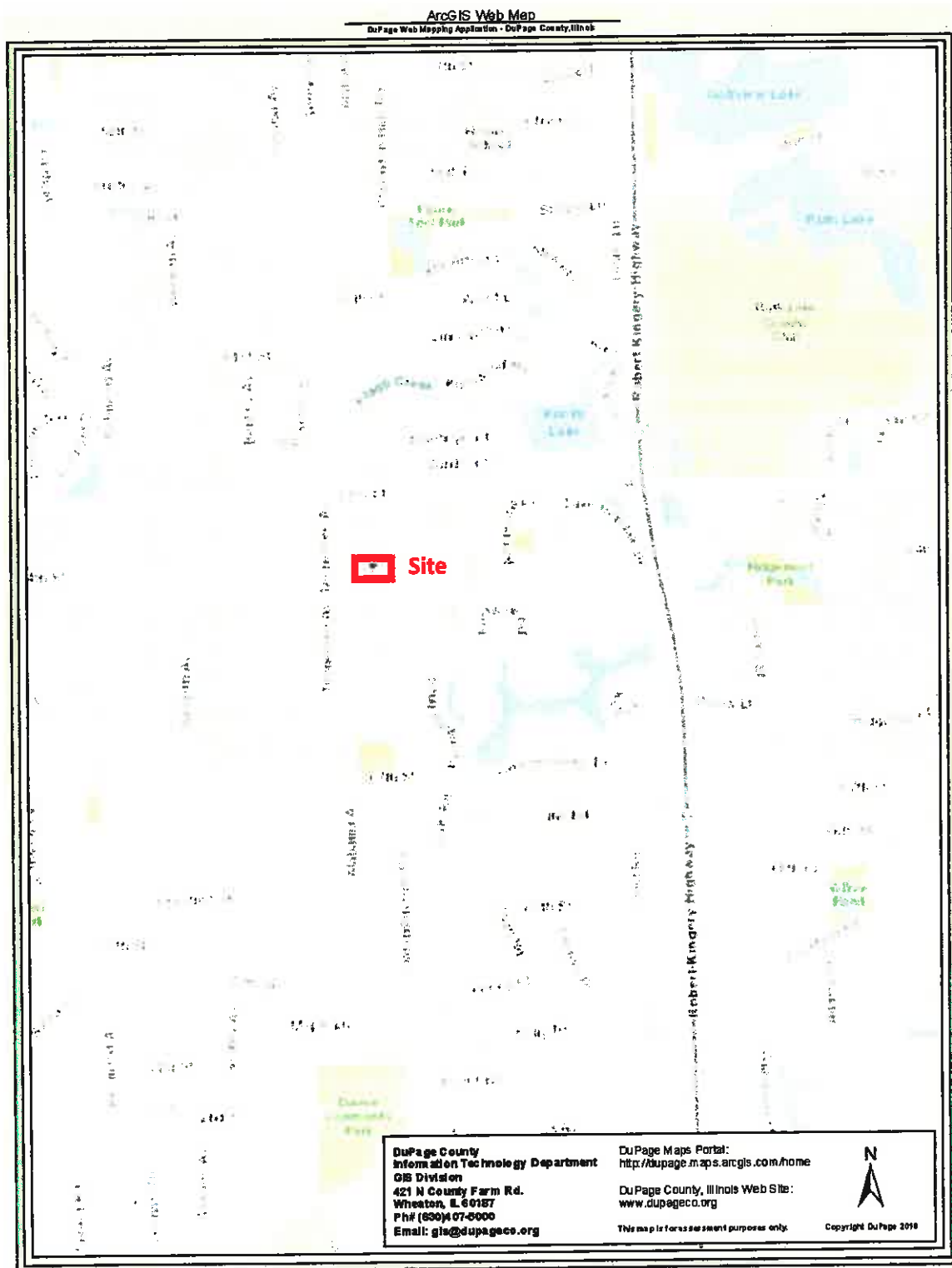
09-22-203-017 (Lot 2)

09-22-203-018 (Lot 3)

LOTS 2 AND 3 IN TUDOR MANOR SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1978 AS DOCUMENT R78-31342 IN DUPAGE COUNTY, ILLINOIS.



## Attachment 2 Location Map (1 Sheet)





**Attachment 3**

Final Engineering Drawings, bearing a revision date of 5/23/2019, (3 Sheets)

# FINAL ENGINEERING

MAUREEN & MARC REYES  
6350 CLARENDON HILLS ROAD  
WILLOWBROOK, ILLINOIS

INTECH CONSULTANTS, INC.  
1989 UNIVERSITY LANE, SUITE D  
LISLE, ILLINOIS 60532-4500  
PHONE NO.: 630-964-5656  
E-MAIL: [seller@intechconsultants.com](mailto:seller@intechconsultants.com)  
ILLINOIS REGISTRATION NUMBER 194-007040



1. COVER SHEET
2. PLAN
3. SPECIFICATIONS AND DETAILS

**NOT TO SCALE**

**CONTROL BENCHMARKS:**  
BENCH MARK ONE LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF ROUTE 34 (GORDON AVENUE) AND CHUB AVENUE.  
ELEVATION 748.08 (NAVD 83)  
BENCH MARK TWO LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF HAWKINS BLVD AND EAST HESDALE ROAD.

THE SOUTHERN  
ARM OF SANITARY STRUCTURE LOCATED NORTHEAST OF CRT.  
ELEVATION 795.01 (GEOID / 1)

[illegible]

TEL. 800-892-0123

REVIEW SET

ACQUIS	NONE
DATE	4-8-19
DEMAN	SLIP
DISCOUNT	EPS
PROJECT NO.	7188
SHEET	1 OF 3

ARENDON HILLS RD  
WATERMAIN  
RELOCATION

MAUREEN & MARC REYES  
6350 CLARENDON HILLS RD  
WILLOWBROOK, IL

PLANT, INC.

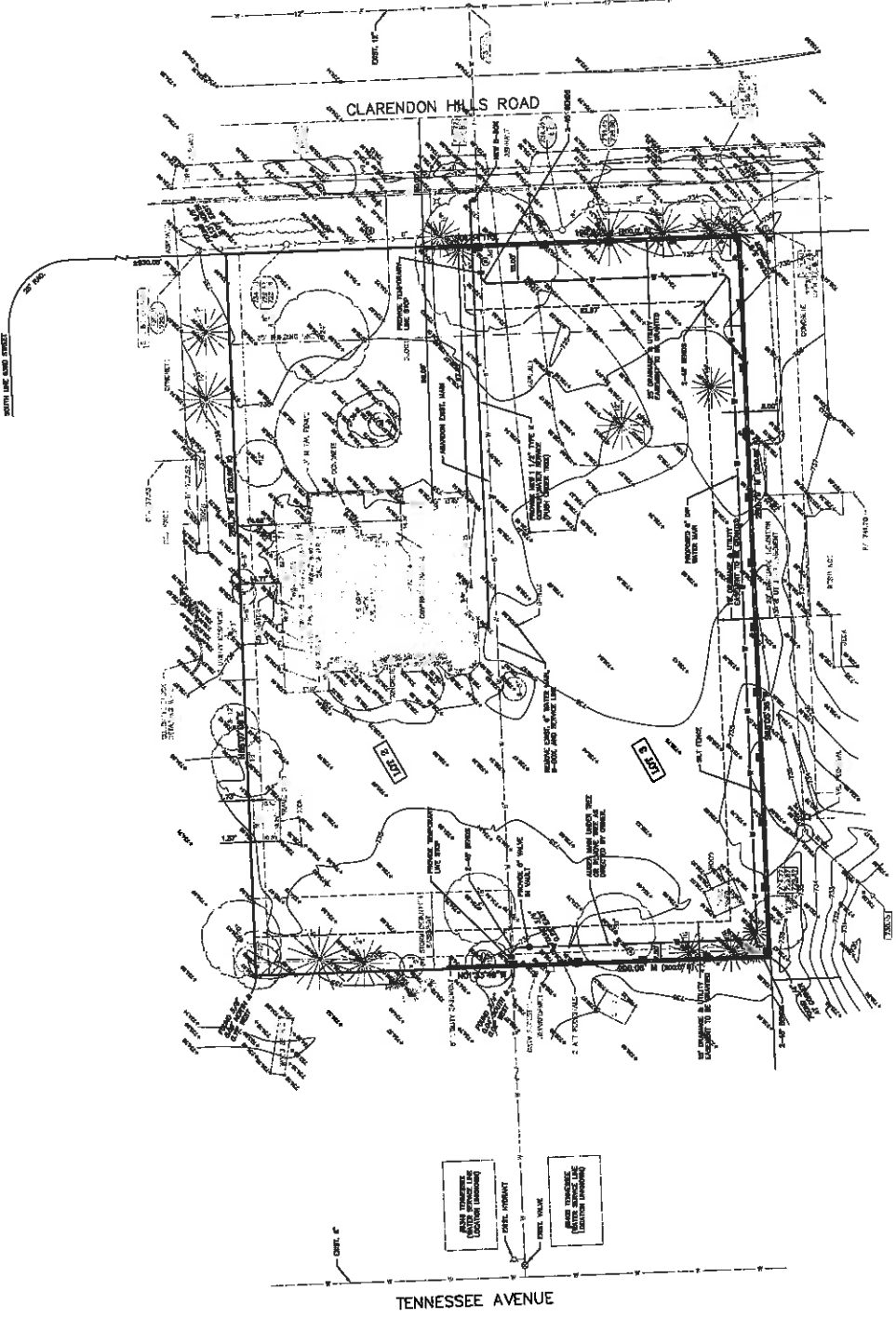
Case	Area
1	19-21
2	22-24
3	25-27
4	28-30
5	31-33
6	34-36
7	37-39
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9	43-45
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SCALE: 1" = 20'

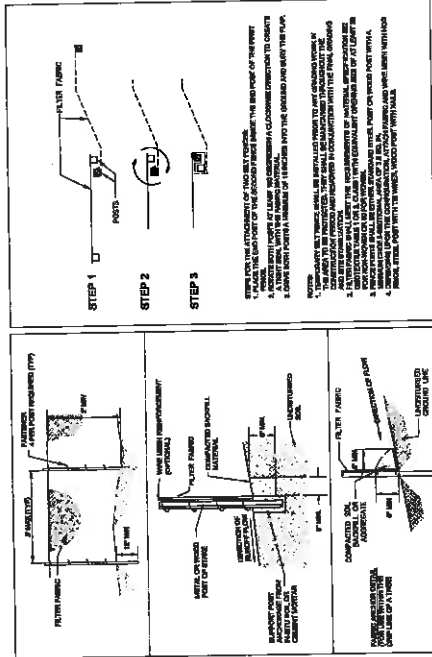


- NOTES**
- THE NEW SERVICE LINE FROM THE EXISTING SERVICE LINE SHALL BE INSTALLED AND THE RECORD CONNECTED TO THE NEW SERVICE LINE PRIOR TO THE START OF THE BALANCE OF THE PROPOSED WATERMAIN RELOCATION. THE EXISTING SERVICE LINE IS NOT TO BE REMOVED UNTIL THE NEW SERVICE LINE IS IN PLACE.
  - THE CONTRACTOR SHALL TAKE EXTREME CARE TO MINIMIZE THE DAMAGE TO THE EXISTING WATERMAIN AND TO THE ADJACENT PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE EXISTING WATERMAIN OR TO THE ADJACENT PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE TO THE EXISTING WATERMAIN OR TO THE ADJACENT PROPERTY.
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  - ALL EXISTING CURB AND GUTTER SHALL BE RESTORED WITH A MINIMUM OF 8" OF TYPICAL AND SOIL UNLESS DIRECTED OTHERWISE BY THE OWNER.

REVIEW SET  
NOT FOR CONSTRUCTION

## REVIEW SET

.....



— 0.05% FRACTION CONTROL MEASURE - SILT FENCE

- [illegible]



**Attachment 4**

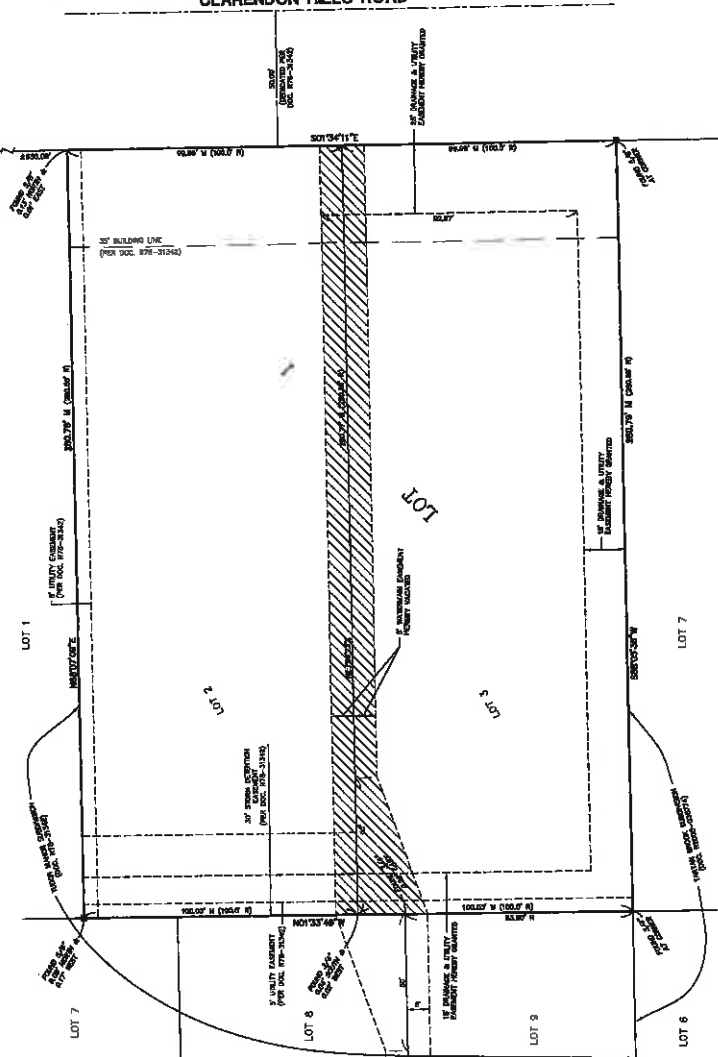
Final Plat of Subdivision, bearing a revision date of 4/9/2019, (1 Sheet)

PH 1001 00-2000-011 LOT 2  
00-2000-011 LOT 3

# FINAL PLAT OF SUBDIVISION REYES SUBDIVISION TO CONSOLIDATE LOTS OF TUDOR MANOR SUBDIVISION

BEING PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 34  
NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEANE COUNTY, ILLINOIS.

SCALE 1" = 20'



LEGEND  
--- FASSETT LINE  
--- SUBDIVISION BOUNDARY LINE  
--- CONCRETE MONUMENT SET  
AREA OF BOUNDARY SET 18, 131.15' x 13.30' ACRES

INTECH CONSULTANTS, INC.  
100 UNIVERSITY LANE, SUITE 200  
CHICAGO, ILLINOIS 60606  
PHONE: 312.462.1000  
FAX: 312.462.1001  
SHEET No. 1 of 1  
JOB No.: 7188

FOR PAGES 1-4-18  
PROPOSED 8-9-18

**STATE OF ILLINOIS**  
COUNTY OF DEANE  
I, \_\_\_\_\_, Clerk of said County, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears in the records of said County.

**NOTARIAL PUBLIC**  
I, \_\_\_\_\_, Notary Public in and for the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears in the records of said County.

**DEANE COUNTY, ILLINOIS**  
I, \_\_\_\_\_, Clerk of said County, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears in the records of said County.

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**Attachment 5**  
Engineer's Review Letter (CBBEL), dated 5/23/ 2019, (1 Sheet)



**CHRISTOPHER B. BURKE ENGINEERING, LTD.**

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

May 23, 2019

Village of Willowbrook  
835 Midway Drive  
Willowbrook, IL 60527

Attention: Ann Choi

Subject: Reyes Subdivision – 6350/6406 Clarendon Hills Rd.  
First Review  
(CBBEL Project No. 900144.H208)

Dear Ann:

As requested, we have reviewed the following documents associated with this project on behalf of the Village of Willowbrook:

- Final Engineering Plans prepared by Intech Consultants, Inc. and bearing a revision date of May 23, 2019
- Final Plat of Subdivision prepared by Intech Consultants, Inc. and dated April 9, 2019
- Engineer's Estimate of Probable Cost prepared by Intech Consultants, Inc. and dated May 17, 2019

In our opinion, the plans and plat are now in general compliance with Village Code and standard engineering methods. Section 10-3-5C(2) of Village Code provides for a development security in the amount of 125% of the engineer's opinion of probable construction cost. The engineer's estimate is in the amount of \$32,666.75, therefore the required development security must be in an amount no less than \$40,833.50. A copy of the engineer's estimate is attached for reference.

Please feel free to contact me at (847) 823-0500 should you have any questions.

Sincerely,

Daniel L. Lynch, PE CFM  
Head, Municipal Engineering Department

Cc Roy Giuntoli



**Attachment 6**  
**Engineer's Estimate of Probable Cost, dated 5/17/ 2019, (2 Sheets)**



**INTECH CONSULTANTS, INC.**  
CONSULTING ENGINEERS / SURVEYORS

Illinois Registered Professional Design Firm No.184-001040

Job # 7188

**ENGINEER'S OPINION OF  
PROBABLE CONSTRUCTION COST**

May 17, 2019

**6350 Clarendon Hills Road  
Water Main Relocation**

**Willowbrook, Illinois**

PREPARED FOR:

**Mr. & Mrs. Reyes  
6350 Clarendon Hills Road  
Willowbrook, Illinois**

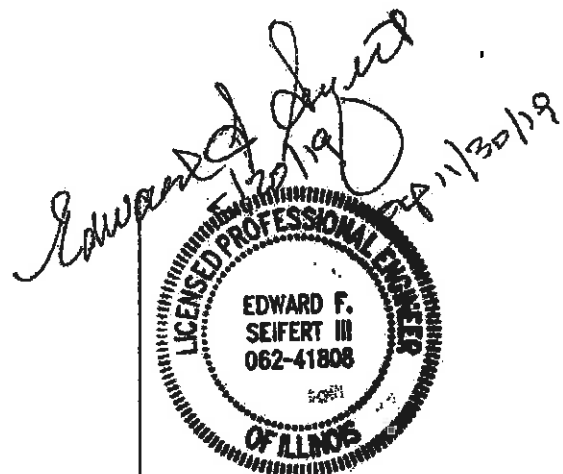
PREPARED BY:

**INTECH CONSULTANTS, INC.  
1989 University Lane, Suite D  
Lisle, Illinois 60532**

**RECEIVED**

**MAY 20 2019**

**VILLAGE OF WILLOWBROOK  
BUILDING & ZONING DIVISION**







**INTECH CONSULTANTS, INC.**  
CONSULTING ENGINEERS / SURVEYORS

Illinois Registered Professional Design Firm No.184-001040

**6350 Clarendon Hills Road**  
**Willowbrook, Illinois**

**May 17, 2019**

**Job # 7188**

S:\DATA\7000 SURVEY\7188\Cost Estimate.xls\Cost Est -2011

**ENGINEER'S OPINION OF PROBABLE  
CONSTRUCTION COST**

NO.	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL AMOUNT
1	Topsoil Replacement, 6"	SY	150	\$4.00	\$600.00
2	Seeding, Class 2	AC	0.03	\$3,350.00	\$100.50
3	Silt Fence	LF	525	\$2.65	\$1,391.25
<b>TOTAL GRADING</b>					<b>\$2,091.75</b>

<b>WATER MAIN</b>					
1	6" Dia. DIP (inc. 45 degree elbows)	LF	450	\$38.50	\$17,325.00
2	6" Valve in box	EA	1	\$1,250.00	\$1,250.00
3	Temporary Line Stops	EA	2	\$5,000.00	\$10,000.00
4	1.5" Dia. Copper Service inc b-box	EA	1	\$2,000.00	\$2,000.00
<b>TOTAL WATER MAIN</b>					<b>\$30,575.00</b>

**SUMMARY**

GRADING	\$2,091.75
WATER MAIN	\$30,575.00
<b>TOTAL</b>	<b>\$32,666.75</b>



## Village of Willowbrook

### Staff Report to the Plan Commission

<b>Public Hearing Date:</b>	July 17, 2019
<b>Prepared By:</b>	Ann Choi, Planning Consultant
<b>Case Title:</b>	PC 19-06: Text Amendment to amend Section 9-2-2 of the Zoning Title of the Village of Willowbrook regarding the Definition of Building Height.
<b>Petitioner:</b>	Village of Willowbrook
<b>Action Requested by Applicant:</b>	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.
<b>Code Sections to be by Amended or Added:</b>	Title 9 – Zoning Section: 9-2-2                      Definitions

<b>Necessary Action by Plan Commission:</b>	Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendment.
---	---

**A sample motion can be found on page 3.**



## History & Discussion of Request

The purpose of the proposed text amendment is to remove outdated and confusing language in the current definition of building height and to clarify how building height is calculated. The proposed text amendment also clarifies the type of roof structures that would be included in the building height calculation. The Plan Commission will be considering the proposed text amendment under Zoning Case No. 19-06 in conjunction with two additional text amendments as part of a Village-wide review of its current zoning code during the public hearing on July 17, 2019.

The proposed text amendment originated when Village staff discovered that the current definition of building height was only reasonable when applied to single-family residential structures. When applied to large commercial or industrial buildings with large roof surface areas, these building types would essentially be allowed to have roof structures with unlimited height, if said roof structures exceeded one-third of the area of the roof of the building. The proposed definition proposed to define roof structures to include (but are not limited to) the following: parapet walls not exceeding three feet (3') in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures. These roof structures are permitted to exceed the maximum height limit of the relevant zoning district by 25% or 10 feet (10'), whichever is greater. Lastly, the proposed text amendment will further revise Section 9-2-2 of the Zoning Title to eliminate "penthouse" from the definition of building height.

### Amend Sections 9-2-2 as follows:

#### Existing text:

**BUILDING HEIGHT:** The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, penthouse, roof tanks, bulkheads, chimneys and similar roof structures shall not be included unless the aggregate area of such structures exceeds one-third (1/3) of the area of the roof of the building.

#### Amendments:

**BUILDING HEIGHT:** The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, ~~penthouse~~, roof tanks, bulkheads, chimneys and similar roof structures shall not be included ~~unless the aggregate area of such structures exceeds one-third (1/3) of the area of the roof of the building~~ **in calculating building height. Parapet walls shall not exceed three feet (3') from the roof surface. Parapet walls, roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10') or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.**

#### New Text:

**BUILDING HEIGHT:** The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures shall not be included in calculating building height. Parapet walls shall not exceed three feet (3') from the roof surface. Parapet walls, roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10') or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.



## **Recommendation**

Staff supports the proposed text amendment. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

**Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on Page 2 of the Staff Report for PC Case Number 19-06 to amend Section 9-2-2, entitled "Definitions," of Chapter 2, entitled "Definitions," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.**



**Village of Willowbrook**  
Staff Report to the Plan Commission  
*Continuation of the June 5<sup>th</sup>, 2019 Public Hearing*

**Plan Commission Original  
Public Hearing Date:** June 5, 2019

**Plan Commission  
Public Hearing  
Continuation Date:** July 17, 2019

**Prepared By:** Ann Choi, Planning Consultant

**Case Title:** PC 19-05: Text Amendments to amend Section 9-9-7 of Title 9 - Zoning Title of the Village of Willowbrook Municipal Code regarding fire and explosion hazard standards.

**Petitioner:** Village of Willowbrook

**Action Requested by  
Applicant:** Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.

**Code Sections to be by  
Amended or Added:** Title 9 – Zoning Sections:  
9-9-7 FIRE AND EXPLOSION HAZARD STANDARDS

**Documents Attached:**

- Attachment 1:** Section 9-9-7 (current version of the Village of Willowbrook Municipal Code)
- Attachment 2:** EPCRA Sections 311-312 (3 Pages)
- Attachment 3:** Appendix A To Part 355—The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities (6 Pages)
- Attachment 4:** Appendix B To Part 355—The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities (6 Pages)

**Necessary Action by  
Plan Commission:** Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendments.

A sample motion can be found on page 11.



## History & Discussion of Request

The Village of Willowbrook has identified various sections of the Zoning Ordinance, specifically the Fire and Explosions Hazard standards of the M-1 Light Manufacturing Zoning District that require clarification. This section was originally drafted in 1975 and amended in 1997. The current language is somewhat ambiguous and outdated, and these proposed amendments will eliminate inconsistencies, widen the scope of potential uses that would require a special use, reference the latest version of the International Fire Code, the ICC IFC-2018 (IFC), and require certain users to file inventory reports of hazardous substances.

## Follow-up Items from June 5, 2019 Plan Commission Meeting

The Plan Commission posed a number of questions at the June 5, 2019 Plan Commission meeting and requested responses for review and discussion for the July 17, 2019 Plan Commission. These questions are outlined below:

1. Will the proposed text amendment affect any residents who have propane on their property for household use (for example: lawnmower)?

**Staff Response:** No. The proposed Section 9-9-7(D), which talks about the special use requirement, only applies to the M-1 zoning district so it would not apply to any residents.

2. What theoretical problems exist with the current code?

**Staff Response:** The current code is outdated as the last update was in 1997, and that update applied to only certain portions of the code. Some portions have not been updated since 1975. The current code does not refer to the latest version of the International Fire Code. The latest version is ICC IFC-2018 (IFC).

Under the current code, a special use only required when a facility is involved in all three of the following activities: manufacturing, storage, utilization of materials or products which decompose by detonation. The amended code would require a special use involving one of the following activities: manufacturing, processing, generation, storage, or utilization of any materials listed in the proposed Section 9-9-7(C)3.

The current code, as the title indicates, is limited to operations, activities and uses that present fire and explosion hazards, but does not address the scope of hazardous materials conditions (storage and use) that could be present in many of Willowbrook's current facilities in the M-1 light manufacturing district. Additionally, the charts listed under Section 9-9-7(C)4 do not have a clear reference back to any known source and it is unknown how the temperature ranges were determined.

3. What triggers a special use requirement?

**Staff Response:**

- |                 |                              |
|-----------------|------------------------------|
| - Manufacturing | - Utilization                |
| - Processing    | - Storage                    |
| - Generation    | - Or any combination thereof |



Of any materials or products identified under the proposed Section 9-9-7(C)3, except for materials used for the following on-site activities: yard maintenance, custodial services, forklift operations, or other ancillary purposes as authorized by the Building Official.

4. Do you have to request a special use simply to have propane storage for vehicles on-site?

**Staff Response:** No. Propane for forklift operations would be excluded from requiring a special use.

5. How many businesses would be directly impacted by the proposed text amendments?

**Staff Response:** Since a special use permit cannot be applied retroactively, the number of existing businesses that would be impacted is zero.

However, an operational permit would affect any business having the following:

- Hazardous or flammable materials or processes
- Hire Fire Loads
- Materials or processes that have unique fire management characteristics

The purpose of an operational permit is to assist facilities in correctly reporting chemicals, their quantities, locations, and hazards for the benefit of alerting emergency response agencies to chemical hazards at a facility should an emergency occur. Having properly informed emergency responders allows a more effective and well-organized response and can limit liability and injuries during a response effort due to one or more of the above stated issues.

6. Are the proposed text amendments adopting the standards that are already set by the federal government or the EPA?

**Staff Response:** Yes, the proposed amendments reference current federal and EPA standards.

7. Are the proposed text amendments creating new reporting requirements that the EPA doesn't require?

**Staff Response:** The special use permit would not create new reporting requirements. The operational permit would create new reporting requirements. The Operational Permit would be reviewed and approved under the building code amendments.

8. Have we compared this to ordinances that are acceptable in other communities right now? Is this far off of what everyone else is doing? Is Willowbrook far more restrictive in what's being written or being proposed than in neighboring communities?

**Staff Response:** Other communities have adopted IFC 2018 such as Naperville, Barrington, Addison, Tinley Park, and Orland Park. Every community has their own needs, assesses their own community needs differently, and therefore there is no straightforward comparison of each community's codes.



## Proposed Amendments

The following sections are to be amended. New language is highlighted in the color **red**. Language to be eliminated is indicated with a ~~striketrough~~. The italicized **blue** text provides an explanation for the change and is intended for informational purposes only. (The blue text is not part of the actual text amendment).

### Amend Section 9-9-7 as follows:

#### 9-9-7: ~~FIRE AND EXPLOSION HAZARD~~ **HAZARDOUS MATERIALS STANDARDS:**

*(The title of the section is changed to broaden the scope of materials to include all hazardous materials.)*

**(A) Required Performance Level:** All operations, activities and uses shall be conducted so as to comply with the performance standards governing ~~fire and explosion hazards~~ **hazardous materials** prescribed below.

**(B) Definitions.** The following terms as used in Section 9-9-7 shall have the meaning respectively ascribed to them in this section, unless the context otherwise requires.

**CHEMICAL:** An element, chemical compound or mixture of elements or compounds or both.

**CONTAINER:** A vessel of 60 gallons or less in capacity used for transporting or storing hazardous materials. Pipes, piping systems, engines and engine fuel tanks are not considered to be containers.

**CYLINDER:** A pressure vessel designed for pressures higher than 40 psia (275.6 kPa) and having a circular cross section. It does not include a portable tank, multiunit tank car tank, cargo tank or tank car.

**ENVIRONMENTALLY DAMAGING SUBSTANCES:** Any substance spilled or released into the environment in sufficient quantity so as to cause actual or potential human health problems if not dealt with by remedial action, or to contaminate air, land or water.

**EXPLOSION:** An effect produced by the sudden violent expansion of gases, which may be accompanied by a shock wave or disruption, or both, of enclosing materials or structures. An explosion could result from chemical changes such as rapid oxidation, deflagration, or detonation, decomposition of molecules and runaway polymerization (usually detonation)

**FACILITY:** Any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or air craft or any site where hazardous materials or environmentally damaging substances have been deposited, stored, disposed of, placed or otherwise came to be located.

**FLAMMABLE GAS:** A material which is a gas at 68°F or less at 14.7 pounds per square inch atmosphere (psia) (101 kPa) of pressure [a material that has a boiling point of 68°F or less at 14.7 psia (101 kPa)] which:

1. Is ignitable at 14.7 psia (101 kPa) when in a mixture of 13 percent or less by volume with air; or
2. Has a flammable range at 14.7 psia (101 kPa) with air of not less than 12 percent, regardless of the lower limit.





The limits specified shall be determined at 14.7 psia (101 kPa) of pressure and a temperature of 68°F in accordance with ASTM E681.

**FLAMMABLE LIQUEFIED GAS:** A liquefied compressed gas which, under a charged pressure, is partially liquid at a temperature of 68°F (20°C) and which is flammable.

**FLAMMABLE LIQUID:** A liquid having a closed cup flash point below 100°F. Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:

**Class IA.** Liquids having a flash point below 73°F and having a boiling point below 100°F.

**Class IB.** Liquids having a flash point below 73°F and having a boiling point at or above 100°F.

**Class IC.** Liquids having a flash point at or above 73°F and below 100°F.

The category of flammable liquids does not include compressed gases or cryogenic fluids.

**FLAMMABLE MATERIAL:** A material capable of being readily ignited from common sources of heat or at a temperature of 600°F or less.

**FLAMMABLE SOLID:** A solid, other than a blasting agent or explosive, that is capable of causing fire through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or processing, or which has an ignition temperature below 212°F or which burns so vigorously and persistently when ignited as to create a serious hazard. A chemical shall be considered a flammable solid as determined in accordance with the test method of CPSC 16 CFR Part 1500.44, if it ignites and burns with a self-sustained flame at a rate greater than 0.0866 inch per second along its major axis.

**HAZARDOUS MATERIALS:** Substances or materials in quantity and forms that may pose an unreasonable risk to health, safety or property when stored, transported or used in commerce. Such materials include but are not limited to: explosives, blasting agents, poisons, flammable and combustible liquids, flammable and non-flammable gases, corrosives, oxidizers, organic peroxides, flammable solids, radioactive materials, etiological agents. Hazardous materials also includes hazardous substances and hazardous wastes.

**HAZARDOUS SUBSTANCES:** Any substance designated under the Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC Sec. 9601 et seq.), as now or hereafter amended, as posing a threat to the waterways and the environment when released.

**HAZARDOUS WASTE:** Discarded material under Resource Conservation and Recovery Act (RCRA) (42 USC Sec. 6901 et seq.) regulated by the United States Environmental Protection Agency because of public health and safety concerns.

**RELEASE:** Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, disposing, exploding or burning of hazardous materials or environmentally damaging substances into or on any land, air, water, well, stream, sewer, or pipe such that hazardous materials or any constituent or environmentally damaging substances thereof, that may enter the environment.



**RESPONSIBLE PARTY or PARTIES include the following:**

1. The owner and operator of a facility or vessel from which there is a fire or release or threatened release of hazardous materials or environmentally damaging substances;
2. Any person who at the time of disposal, transport, storage, or treatment of hazardous materials or environmentally damaging substances owned or operated the facility or vehicle used for such disposal, transport, treatment or storage from which there was a fire, release or threatened release of hazardous materials or environmentally damaging substances;
3. Any person who by contract, agreement or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials or environmentally damaging substances owned, controlled or possessed by such person at a facility owned and operated by another party or entity from which there is fire, release or threatened release of such hazardous materials or environmentally damaging substances;
4. Any person who accepts or accepted any hazardous materials or environmentally damaging substances for transport to disposal, storage or treatment sites from which there is a fire, release or threatened release of hazardous materials or environmentally damaging substances;
5. In the case of an abandoned facility or vehicle any person owning or operating the abandoned facility or any person who owned or operated or otherwise controlled activities at the abandoned facility immediately prior to abandonment;
6. In the case of a land trust owning or operating a facility or vehicle the person owning the beneficial interest in the land trust.

**TANK:** A vessel containing more than 60 gallons.

*(Definitions from the IFC 2018 have been added to provide clarity and ease for users who may not have access to the IFC 2018 Manual).*

**{B} (C) General Requirements:**

1. ~~Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each zoning district. Such materials shall include, but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid, propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239.~~ *(Hazardous materials are listed in greater detail under the proposed Section 9-9-7(C)4 below. Reference to unstable organic compounds has been deleted because these materials are regulated by the IFC.)*

**Safe hazardous materials storage required.** Hazardous materials shall be stored in such a way that products which, when mixed, react violently or evolve toxic fumes, vapors or gases, or that, in



combination, become hazardous by reason of toxicity, oxidizing power, flammability or other properties are not in close proximity. These materials shall be handled, stored, utilized or manufactured in accordance with the **International Fire Code ("IFC")**, as adopted by the Village, and shall be stored separately, segregated by distance, partitions, or other methods as required by the IFC.

2. ~~Where materials or products which decompose by detonation are permitted, these materials shall be handled, stored, utilized or manufactured in accordance with the National Fire Codes published by the National Fire Protection Association. (Ord. 75-O-3, 3-10-1975)~~

**Unlawful releases prohibited.** No person shall cause, threaten, or allow the release of hazardous materials, unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency ("IEPA") or other State or Federal agency having primary authority over the release, as permitted by the IEPA, and such release is in such a place and manner as will not create a hazard to human health, property, or the environment. Any prohibited release is hereby declared a public nuisance. Any violation of this section shall be subject to the general penalty provisions of the Willowbrook Municipal Code and/or revocation of any special use permit issued.

3. Activities involving the manufacturing, processing, generation, storage or utilization, or any combination thereof, of the following materials or products are permitted only in accordance with the regulations of each zoning district. Such materials or products shall include, but are not limited to, the following:
- a. Any material or product which contains a chemical compound, mixture or device, the primary or common purpose of which is to function by explosion including any material or product determined to be within the scope of the **United States Code (USC) Title 18: Chapter 40** or any material or product classified as an explosive **by the International Fire Code ("IFC")**, as adopted by the Village, other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulations of the **Department of Transportation ("DOTn") 49 CFR, Parts 100-185.**
  - b. Nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239. *(These materials are not addressed by the IFC 2018.)*
  - c. Any materials or products that constitute a physical or health hazard as identified by the IFC, as adopted by the Village, as High-Hazard Group H occupancies.
  - d. Any chemicals governed by the Environmental Protection Agency ("EPA"), and regulated by the IEPA.
4. Liability for costs. Each responsible party or parties shall be liable to the Village of Willowbrook for all costs incurred by the Village resulting from a fire, release or threatened release involving hazardous materials. This section shall not limit any fines or penalties resulting from a successful prosecution for violation of the Willowbrook Municipal Code.



**(C) (D) Standards In The M-1 Light Manufacturing District:**

1. ~~Uses involving the manufacture, storage and utilization of materials and products which decompose by detonation may be allowed only as a special use.~~

The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, storage or utilization, or any combination thereof, of any of the materials or products identified under Section 9-9-7(C)3 shall be allowed only as a special use.

**Exceptions:** Hazardous materials that are utilized for the following on-site activities: yard and building maintenance, custodial services, forklift operations, and other ancillary purposes as authorized by the Building Official.

*(The "or" and "or any combination thereof" eliminates any ambiguity, making special uses mandatory, not optional, that involve one or more of the categories listed. The text amendment broadens the scope of those uses which would require a special use. Exceptions have been added to allow businesses that use certain materials for daily on-site maintenance activities to be excluded from the special use requirement. These materials would still be regulated by the IFC 2018.)*

2. ~~The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.~~

The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, storage or utilization, or any combination thereof, of materials or products that constitute a physical or health hazard as identified in the IFC, as adopted by the Village, as High-Hazard Group H occupancies shall require you to make an application for a Village of Willowbrook issued Operational Permit for the purpose of assisting facilities in correctly reporting chemicals, their quantities, locations, and hazards for the benefit of alerting emergency response agencies to chemical hazards at a facility should an emergency occur. Having properly informed emergency responders allows a more effective and well-organized response and can limit liability and injuries during a response effort due to one or more of the following issues:

- a. Hazardous or flammable materials or processes
- b. High fire loads
- c. Materials or processes that have unique fire management characteristics, as determined by the authority having jurisdiction over the matter.

**Exceptions:** Hazardous materials that are utilized for the following on-site activities: yard and building maintenance, custodial services, forklift operations, and other ancillary purposes as authorized by the Building Official.



~~3. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that said materials or products are stored, manufactured or utilized in fire resistant and fire protected buildings or spaces. Said materials or products shall be stored so that they are set back at least one hundred feet (100') from all lot lines. (This section has been deleted because it is already covered in the IFC 2018.)~~

3. The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, utilization or storage, or any combination thereof, of materials or products in quantities that equal or exceed the thresholds in amounts that have been determined by the Federal Emergency Planning and Community Right to Know Act ("EPCRA") Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSs)(40 CFR part 355 Appendix A and Appendix B), gasoline (all grade combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations at or exceeding the thresholds, obtain a Resource Conservation and Recovery Act ("RCRA") permit and provide a copy of said permit to the Village and complete and file Tier II reports required by the Federal EPCRA or Toxic Release Inventory ("TRI") and provide copies of the same to the Village.

*(This section is amended to broaden the scope of uses that must comply with Table IV(b) in the new Section 9-9-7(D), and requires a Resource Conservation and Recovery Act ("RCRA") permit for facilities that store, utilize or manufacture flammable liquids at or above the thresholds set by the EPA. The Village of Willowbrook will use the thresholds set by the EPA and the Emergency Planning and Community Right-to-Know Act ("EPCRA") Hazardous Chemical Inventory Reporting Requirements, included for reference only, as Attachments 2, 3 and 4, of this report. The EPA periodically makes updates to these documents; therefore, facilities shall use the most updated thresholds found on the EPA's website. The proposed text amendment also requires these facilities to file Tier II reports required by the EPCRA or Toxic Release Inventory ("TRI") and provide copies of the same to the Village. Tier II reports serve as an inventory of hazardous chemicals for certain users, and would assist emergency responders in identifying which facilities store potentially dangerous substances on-site.)*

4. ~~The storage, utilization or manufacture~~ **manufacturing, processing, generation, storage or utilization, or any combination thereof**, of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section, except that the storage of finished products in original sealed containers **as defined in this section** ~~of fifty five (55) gallons or less shall be unrestricted permitted.~~

*(The text amendment introduces new activities and clarifies that if any of the categories listed are present, it will be subject to the standards listed in Table IV. The text amendment revises the 55 gallon maximum to permit the storage of finished products in original sealed "containers". Containers, as defined by the IFC 2018, have a maximum capacity of 60 gallons or less. The text amendment also replaces the term "unrestricted" with the term "permitted" because the Village would still defer to the IFC 2018 to determine how these materials shall be handled, stored, etc.)*

TABLE IV  
TOTAL CAPACITY OF FLAMMABLE  
MATERIALS PERMITTED, GALLONS



(a) Industries engaged in storage for resale:

	<u>Above Ground</u>	<u>Below Ground</u>
Materials having a closed cup flash point over 187°F but less than 350°F <b>Class IA</b>	Prohibited	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F <b>Class IB</b>	Prohibited	100,000
Materials having a closed cup flash point of less than 105°F <b>Class IC</b>	Prohibited	<u>100,000</u>
Total	-	300,000

*(Table IV(a) defines the maximum quantities (in gallons) of certain for resale materials that are permitted to be stored above ground and below ground. The text amendment gives the Village additional oversight in regulating these potentially hazardous materials by requiring that they comply with Table IV. The IFC 2018 does not specifically limit the quantities of above ground or below ground storage of hazardous materials. The IFC 2018 regulates the use, handling and storage of these materials in indoor and outdoor environments.)*

(b) Industries engaged in utilization ~~and~~ **or** manufacture, **or a combination thereof**, of flammable materials where storage is an ancillary use:

	<u>Above Ground</u>	<u>Below Ground</u>
Materials having a closed cup flash point over 187°F but less than 350°F <b>Class IA</b>	<del>50,000</del> <b>25,000</b>	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F <b>Class IB</b>	<del>25,000</del> <b>50,000</b>	100,000
Materials having a closed cup flash point of less than 105°F <b>Class IC</b>	<u>Prohibited</u>	<u>100,000</u>
<del>Total</del>	75,000	300,000

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty (30) times the quantities listed above. (Ord. 97 O 05, 1-27-1997)





*(Table IV(b) defines the maximum quantities (in gallons) of certain materials that are permitted to be stored above ground and below ground where storage is an ancillary use. The text amendment clarifies that if any (or a combination thereof) of the categories listed are present, it will be subject to the standards listed in Table IV(b).*

*The text amendment revises the lower flashpoint range to have a reduced storage amount from 50,000 gallons to 25,000 gallons. The text amendment revises the higher flashpoint to have an increased storage amount from 25,000 gallons to 50,000 gallons.)*

## **Recommendation**

Staff supports the proposed text amendments. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

### **Sample Motion**

**Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 11 of the Staff Report for PC Case Number 19-05 to amend Section 9-9-7 of the Zoning Title of the Village of Willowbrook regarding fire and explosion hazard standards.**



**Attachment 1**  
**Current Version of Section 9-9-7**  
**(2 pages)**



## 9-9-7: FIRE AND EXPLOSION HAZARD STANDARDS:

(A) Required Performance Level: All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards prescribed below.

### (B) General Requirements:

1. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each zoning district. Such materials shall include, but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid, propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239.
2. Where materials or products which decompose by detonation are permitted, these materials shall be handled, stored, utilized or manufactured in accordance with the National Fire Codes published by the National Fire Protection Association. (Ord. 75-O-3, 3-10-1975)

### (C) Standards In The M-1 Light Manufacturing District:

1. Uses involving the manufacture, storage and utilization of materials and products which decompose by detonation may be allowed only as a special use.
2. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
3. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that said materials or products are stored, manufactured or utilized in fire-resistant and fire-protected buildings or spaces. Said materials or products shall be stored so that they are set back at least one hundred feet (100') from all lot lines.
4. The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section, except that the storage of finished products in original sealed containers of fifty five (55) gallons or less shall be unrestricted.

TABLE IV  
TOTAL CAPACITY OF FLAMMABLE  
MATERIALS PERMITTED, GALLONS

(a) Industries engaged in storage for resale:

	<u>Above Ground</u>	<u>Below Ground</u>
Materials having a closed cup flash point over 187°F but less than 350°F	Prohibited	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F	Prohibited	100,000
Materials having a closed cup flash point of less than 105°F	Prohibited	<u>100,000</u>
<b>Total</b>		<b>300,000</b>

(b) Industries engaged in utilization and manufacture of flammable materials where storage is an ancillary use:

	<u>Above Ground</u>	<u>Below Ground</u>
Materials having a closed cup flash point over 187°F but less than 350°F	50,000	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F	25,000	100,000
Materials having a closed cup flash point of less than 105°F	<u>Prohibited</u>	<u>100,000</u>
<b>Total</b>	<b>75,000</b>	<b>300,000</b>

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty (30) times the quantities listed above. (Ord. 97-O-05, 1-27-1997)



**Attachment 2**  
**EPCRA Sections 311-312, Facilities That Are Covered**  
**(3 pages)**

We've made some changes to EPA.gov. If the information you are looking for is not here, you may be able to find it on the EPA Web Archive or the January 19, 2017 Web Snapshot.



## EPCRA Sections 311-312

# Emergency Planning and Community Right-to-Know Act (EPCRA) Hazardous Chemical Inventory Reporting Requirements

For any hazardous chemical used or stored in the workplace, facilities must maintain a material safety data sheet (MSDS) (or Safety Data Sheet, SDS). Facilities must submit MSDSs (or SDSs), or a list of hazardous chemicals, to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department.

Facilities must also submit an annual inventory of these chemicals by March 1 of each year to their SERC, LEPC and local fire department. The information submitted by facilities must be made available to the public.

- [What facilities are covered?](#)
- [What is a hazardous chemical?](#)
- [What are facilities required to do?](#)
- [How do I submit a Tier I or Tier II Inventory Report?](#)
- [Where can I find more information on these requirements?](#)

### What facilities are covered?

Any facility that is required to maintain MSDSs (or SDSs) under the Occupational Safety and Health Administration (OSHA) regulations for hazardous chemicals stored or used in the work place.

Facilities with chemicals in quantities that equal or exceed the following thresholds must report:

- For Extremely Hazardous Substances (EHSs)(40 CFR part 355 [Appendix A](#) and [Appendix B](#) (PDF)), either 500 pounds or the Threshold Planning Quantity (TPQ), whichever is lower.
- For gasoline (all grades combined) at a retail gas station, the threshold level is 75,000 gallons (or approximately 283,900 liters), if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.
- For diesel fuel (all grades combined) at a retail gas station, the threshold level is 100,000 gallons (or approximately 378,500 liters), if the tank(s) was

stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.

- For all other hazardous chemicals: 10,000 pounds.

### **What is a hazardous chemical?**

Hazardous chemicals are substances for which a facility must maintain a MSDS (or SDS) under the OSHA (Occupational Safety and Health Administration) Hazard Communication Standard, which lists the criteria used to identify a hazardous chemical. MSDSs (or SDSs) are detailed information sheets that provide data on health hazards and physical hazards of chemicals along with associated protective measures. Over 500,000 products have MSDSs (SDSs) which are normally obtained from the chemical manufacturer.

### **What are facilities required to do?**

- Under Section 311 of the Emergency Planning and Community Right-to-Know Act (EPCRA), facilities must submit the MSDSs (or SDSs) of hazardous chemicals present on-site at or above the reporting threshold to their SERC, LEPC, and local fire department. Facilities may choose to submit a list of the hazardous chemicals grouped into hazard categories instead. This is a one-time submittal. New facilities have three months after becoming subject to the OSHA regulations to submit their MSDSs (or SDSs) or the list of the hazardous chemicals to their SERC, LEPC, and the fire department.
- Facilities that need to submit MSDSs (or SDSs) or the list of hazardous chemicals under Section 311, also need to submit an annual inventory report for the same chemicals (EPCRA (Emergency Planning and Community Right-to-Know Act) Section 312). This inventory report must be submitted to the SERC, LEPC and local fire department by March 1 of each year.

### **How do I submit a Tier I or Tier II Inventory Report?**

Facilities covered by these requirements must submit an emergency and hazardous chemical inventory form to their SERC, LEPC and the local fire department annually. Facilities provide either a Tier I or Tier II form. Most states require the Tier II form. Tier II forms require basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about chemicals stored or used at the facility. EPA recently revised the Tier II form to include additional data elements which would be useful of local planners and responders.

The following is a list of some of the information required on the inventory form:

- The chemical name or the common name as indicated on the MSDS (or SDS)
- An estimate of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount

- A brief description of the manner of storage of the chemical
- The location of the chemical at the facility
- An indication of whether the owner of the facility elects to withhold location information from disclosure to the public

[Tier I Forms and Instructions](#)

[Tier II Forms and Instructions](#)

[Tier II Reporting Requirements by State](#) and [Tier2 Submit Software](#)

### **Where can I find more information on these requirements?**

For more information, see [40 CFR part 370](#) and [EPCRA Amendments and Guidance](#).

LAST UPDATED ON APRIL 4, 2018



**Attachment 3**  
**Appendix A To Part 355**  
**The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities**  
**(6 pages)**

Pt. 355, App. A

40 CFR Ch. I (7–1–13 Edition)

*Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, EHS, or CERCLA hazardous substance.

*Reportable quantity* means, for any CERCLA hazardous substance, the quantity established in Table 302.4 of 40 CFR 302.4, for such substance. For any EHS, reportable quantity means the quantity established in Appendices A and B of this part for such substance. Unless and until superseded by regulations establishing a reportable quantity for newly listed EHSs or CERCLA hazardous substances, a weight of 1 pound shall be the reportable quantity.

*SERC* means the State Emergency Response Commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction

the facility is located. In the absence of a SERC for a State or Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a State and a Tribe, the SERC shall be the entity identified in the agreement.

*Solution* means any aqueous or organic solutions, slurries, viscous solutions, suspensions, emulsions, or pastes.

*State* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction and Indian Country.

*Threshold planning quantity* means, for a substance listed in Appendices A and B of this part, the quantity listed in the column “threshold planning quantity” for that substance.

[73 FR 65462, Nov. 3, 2008, as amended at 73 FR 76960, Dec. 18, 2008; 77 FR 16688, Mar. 22, 2012]

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND  
 THEIR THRESHOLD PLANNING QUANTITIES  
 [Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
75-86-5	Acetone Cyanohydrin		10	1,000
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
107-02-8	Acrolein		1	500
79-06-1	Acrylamide	f	5,000	1,000/10,000
107-13-1	Acrylonitrile	f	100	10,000
814-68-6	Acrylyl Chloride	d	100	100
111-89-3	Adiponitrile	f	1,000	1,000
116-06-3	Aldicarb	b	1	100/10,000
309-00-2	Aldrin		1	500/10,000
107-18-6	Allyl Alcohol		100	1,000
107-11-9	Allylamine		500	500
20859-73-8	Aluminum Phosphide	a	100	500
54-62-6	Aminopterin		500	500/10,000
78-53-5	Ammon		500	500
3734-97-2	Ammon Oxalate		100	100/10,000
7664-41-7	Ammonia	f	100	500
300-62-9	Amphetamine		1,000	1,000
62-53-3	Aniline	f	5,000	1,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
7783-70-2	Antimony Pentafluoride		500	500
1397-94-0	Antimycin A	b	1,000	1,000/10,000
86-88-4	ANTU		100	500/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1327-53-3	Arsenous Oxide	d	1	100/10,000
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
2642-71-9	Azinphos-Ethyl		100	100/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
96-87-3	Benzal Chloride		5,000	500



## Environmental Protection Agency

## Pt. 355, App. A

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
98-05-5	Benzenearsonic Acid		10	10/10,000
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
98-07-7	Benzotrichloride		10	100
100-44-7	Benzyl Chloride		100	500
140-29-4	Benzyl Cyanide	d	500	500
15271-41-7	Bicyclo[2.2.1]Heptane-2-Carbonitrile, 5-Chloro-8-(((Methylamino)Carbonyl)Oxy)imino-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
4044-65-9	Bitoscanate		500	500/10,000
10294-34-5	Boron Trichloride		500	500
7637-07-2	Boron Trifluoride		500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
28772-56-7	Bromadiolone		100	100/10,000
7726-95-8	Bromine	f	500	500
1306-19-0	Cadmium Oxide		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
7778-44-1	Calcium Arsenate		1	500/10,000
8001-35-2	Camphochlor		1	500/10,000
56-25-7	Cantharidin		100	100/10,000
51-83-2	Carbaryl Chloride		500	500/10,000
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000
1563-86-2	Carbofuran		10	10/10,000
75-15-0	Carbon Disulfide	f	100	10,000
786-19-6	Carbophenothion		500	500
57-74-9	Chlordane		1	1,000
470-80-6	Chlorfenvinphos		500	500
7782-50-5	Chlorine		10	100
24934-81-8	Chlormephos		500	500
999-81-5	Chlormequat Chloride	d	100	100/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
107-07-3	Chloroethanol		500	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
67-66-3	Chloroform	f	10	10,000
542-88-1	Chloromethyl Ether	d	10	100
107-30-2	Chloromethyl Methyl Ether	b	10	100
3691-35-8	Chlorophacinone		100	100/10,000
1982-47-4	Chloroxuron		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
10025-73-7	Chromic Chloride		1	1/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethanedithybis (Nitriomethylidyne)) Bis(6-Fluorophenolato))(2-)-N,N',O,O')-		100	100/10,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
64-86-8	Cotchlorine	d	10	10/10,000
56-72-4	Coumaphos		10	100/10,000
5836-29-3	Coumatetralyl		500	500/10,000
95-48-7	Cresol, o-		100	1,000/10,000
535-69-7	Crimidine		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
2636-26-2	Cyanophos		1,000	1,000
675-14-9	Cyanuric Fluoride		100	100
86-81-9	Cycloheximide		100	100/10,000
106-91-8	Cyclohexylamine	f	10,000	10,000
17702-41-9	Decaborane(14)		500	500/10,000
8065-48-3	Demeton		500	500
919-88-8	Demeton-S-Methyl		500	500
10311-84-9	Diallfor		100	100/10,000
19287-45-7	Diborane		100	100
111-44-4	Dichloroethyl ether		10	10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
62-73-7	Dichlorvos		10	1,000
141-66-2	Dicrotophos		100	100
1464-53-5	Disopoxybutane		10	500
814-49-3	Diethyl Chlorophosphate	d	500	500
71-63-6	Digitoxin	b	100	100/10,000

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
2238-07-5	Diglycidyl Ether		1,000	1,000
20830-75-6	Digoxin	d	10	10/10,000
115-26-4	Dimetox		500	500
60-51-5	Dimethoate		10	500/10,000
2524-03-0	Dimethyl Phosphorochloridithioate		500	500
77-78-1	Dimethyl sulfate		100	500
75-78-5	Dimethyldichlorosilene	d	500	500
57-14-7	Dimethylhydrazine		10	1,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
644-64-4	Dimetilan		1	500/10,000
534-52-1	Dinitroresol		10	10/10,000
88-85-7	Dinoseb		1,000	100/10,000
1420-07-1	Dinoterb		500	500/10,000
78-34-2	Dioxathion		500	500
82-66-6	Diphacinone		10	10/10,000
152-16-9	Diphosphoramidate, Octamethyl-		100	100
298-04-4	Disulfoton		1	500
514-73-8	Dithiazanine Iodide		500	500/10,000
541-53-7	Dithioburet		100	100/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
115-29-7	Endosulfan		1	10/10,000
2778-04-3	Endothion		500	500/10,000
72-20-8	Endrin		1	500/10,000
106-89-8	Epichlorohydrin	f	100	1,000
2104-64-5	EPN		100	100/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
379-79-3	Ergotamine Tartrate		500	500/10,000
1622-92-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
563-12-2	Ethion		10	1,000
13194-48-4	Ethoprophos		1,000	1,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
371-62-0	Ethylene Fluorohydrin	b, d	10	10
75-21-8	Ethylene Oxide	f	10	1,000
107-15-3	Ethylenediamine		5,000	10,000
161-56-4	Ethylenimine		1	500
542-90-5	Ethylthiocyanate		10,000	10,000
22224-92-6	Fenamiphos		10	10/10,000
115-90-2	Fensulfothion	d	500	500
4301-60-2	Fluometil		100	100/10,000
7782-41-4	Fluorine	e	10	500
640-19-7	Fluoroacetamide		100	100/10,000
144-49-0	Fluoroacetic Acid		10	10/10,000
359-05-8	Fluoroacetyl Chloride	b	10	10
51-21-8	Fluorouracil		500	500/10,000
944-22-9	Fonofos		500	500
50-00-0	Formaldehyde	f	100	500
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
29422-53-9	Formetanate Hydrochloride	d	100	500/10,000
2540-82-1	Formothion		100	100
17702-57-7	Formparanate		100	100/10,000
21548-32-3	Fosfletan		500	500
3876-19-1	Fuberidazole		100	100/10,000
110-00-9	Furan		100	500
13450-90-3	Gallium Trichloride		500	500/10,000
77-47-4	Hexachlorocyclopentadiene	d	10	100
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
302-01-2	Hydrazine		1	1,000
74-90-8	Hydrocyanic Acid		10	100
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
7722-84-1	Hydrogen Peroxide (Conc > 52%)	f	1,000	1,000
7783-07-5	Hydrogen Selenide		10	10
7783-06-4	Hydrogen Sulfide	f	100	500
123-31-9	Hydroquinone	f	100	500/10,000
13463-40-6	Iron, Pentacarbonyl-		100	100
297-76-9	Isobutylazide		100	100/10,000
78-82-0	Isobutyronitrile	d	1,000	1,000
102-36-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
465-73-6	Isodrin		1	100/10,000
55-91-4	Isotluorophate	b	100	100

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[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
4098-71-9	Isophorone Diisocyanate	g	500	500
108-23-6	Isopropyl Chloroformate		1,000	1,000
119-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
78-97-7	Lactonitrile		1,000	1,000
21609-90-5	Leptophos		500	500/10,000
541-25-3	Lewisite	b, d	10	10
58-89-8	Lindane		1	1,000/10,000
7580-87-8	Lithium Hydride	a	100	100
109-77-3	Malononitrile		1,000	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
51-75-2	Mechlorethamine	b	10	10
950-10-7	Mephosolan		500	500
1600-27-7	Mercuric Acetate		500	500/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
21808-53-2	Mercuric Oxide		500	500/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
760-93-0	Methacrylic Anhydride		500	500
126-98-7	Methacrylonitrile	d	1,000	500
920-46-7	Methacryloyl Chloride		100	100
30674-80-7	Methacryloyloxyethyl Isocyanate	d	100	100
10265-92-6	Methamidophos		100	100/10,000
558-25-8	Methanesulfonyl Fluoride		1,000	1,000
950-37-8	Methidathion		500	500/10,000
2032-65-7	Methiocarb		10	500/10,000
16752-77-5	Methomyl	d	100	500/10,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
80-63-7	Methyl 2-Chloroacrylate		500	500
74-83-9	Methyl Bromide	f	1,000	1,000
79-22-1	Methyl Chloroformate	d	1,000	500
60-34-4	Methyl Hydrazine		10	500
624-83-9	Methyl Isocyanate		10	500
556-61-6	Methyl Isothiocyanate	a	500	500
74-93-1	Methyl Mercaptan	f	100	500
3735-23-7	Methyl Phenkapton		500	500
676-97-1	Methyl Phosphonic Dichloride	a	100	100
556-64-9	Methyl Thiocyanate		10,000	10,000
78-94-4	Methyl Vinyl Ketone		10	10
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
75-79-6	Methyltrichlorosilane	d	500	500
1129-41-5	Metolcarb		1,000	100/10,000
7786-34-7	Mevinphos		10	500
315-18-4	Mexacarbate	d	1,000	500/10,000
50-07-7	Mitomycin C		10	500/10,000
6923-22-4	Monocrotophos		10	10/10,000
2763-96-4	Musclmol		1,000	500/10,000
505-60-2	Mustard Gas	d	500	500
13463-39-3	Nickel Carbonyl		10	1
54-11-5	Nicotine	b	100	100
55-30-5	Nicotine Sulfate		100	100/10,000
7697-37-2	Nitric Acid		1,000	1,000
10102-43-9	Nitric Oxide	b	10	100
98-95-3	Nitrobenzene	f	1,000	10,000
1122-60-7	Nitrocyclohexane		500	500
10102-44-0	Nitrogen Dioxide		10	100
82-75-9	Nitrosodimethylamine	d	10	1,000
991-42-4	Norbornide		100	100/10,000
	Organorhodium Complex (PMN-62-147)		10	10/10,000
630-60-4	Oxabain	b	100	100/10,000
23135-22-0	Oxamyl		100	100/10,000
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
2497-07-8	Oxydisulfoton	d	500	500
10028-15-6	Ozone		100	100
1910-42-5	Paraquat Dichloride		10	10/10,000
2074-50-2	Paraquat Methosulfate		10	10/10,000
56-38-2	Parathion	b	10	100
298-00-0	Parathion-Methyl	b	100	100/10,000
12002-03-8	Paris Green		1	500/10,000
19624-22-7	Pentaborane		500	500
2570-26-5	Pentadecylamine		100	100/10,000
79-21-0	Peracetic Acid		500	500
594-42-3	Perchloromethylmercaptan		100	500

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
108-95-2	Phenol		1,000	500/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
64-00-8	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
696-28-6	Phenyl Dichloroarsine	d	1	500
59-88-1	Phenyldiazine Hydrochloride		1,000	1,000/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
103-85-5	Phenylthiourea		100	100/10,000
298-02-2	Phorate		10	10
4104-14-7	Phosacetim		100	100/10,000
947-02-4	Phosfolan		100	100/10,000
75-44-5	Phosgene	f	10	10
13171-21-6	Phosphamidon		100	100
7803-51-2	Phosphine		100	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio) Phenyl) Ester.		500	500
50782-68-9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.		100	100
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
7723-14-0	Phosphorus	a, d	1	100
10025-87-3	Phosphorus Oxichloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
7718-12-2	Phosphorus Trichloride		1,000	1,000
57-47-6	Physostigmine		100	100/10,000
57-84-7	Physostigmine, Salicylate (1:1)		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
110-89-4	Piperidine		1,000	1,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
10124-50-2	Potassium Arsenite		1	500/10,000
151-50-8	Potassium Cyanide	a	10	100
506-61-6	Potassium Silver Cyanide	a	1	500
2631-37-0	Promecarb	d	1,000	500/10,000
106-96-7	Propargyl Bromide		10	10
57-57-8	Proplactone, Beta-		10	500
107-12-0	Propionitrile		10	500
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
109-61-5	Propyl Chloroformate		500	500
75-56-9	Propylene Oxide	f	100	10,000
75-55-8	Propylenimine		1	10,000
2275-18-5	Prothoate		100	100/10,000
129-00-0	Pyrene	b	5,000	1,000/10,000
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
1124-33-0	Pyridine, 4-Nitro-,I-Oxide		500	500/10,000
53558-25-1	Pyriminil	d	100	100/10,000
14167-18-1	Salcomine		500	500/10,000
107-44-8	Sarin	d	10	10
7783-00-8	Selenious Acid		10	1,000/10,000
7791-23-3	Selenium Oxichloride		500	500
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
7631-89-2	Sodium Arsenate		1	1,000/10,000
7784-46-5	Sodium Arsenite		1	500/10,000
26628-22-8	Sodium Azide (Na(N <sub>3</sub> ))	a	1,000	500
124-65-2	Sodium Cacodylate		100	100/10,000
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
62-74-8	Sodium Fluoroacetate		10	10/10,000
13410-01-0	Sodium Selenate		100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
900-85-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
57-24-9	Strychnine	b	10	100/10,000
60-41-3	Strychnine Sulfate		10	100/10,000
3689-24-5	Sulfotep		100	500

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[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
7446-09-5	Sulfur Dioxide	f	500	500
7783-60-0	Sulfur Tetrafluoride		100	100
7446-11-9	Sulfur Trioxide	a	100	100
7664-93-9	Sulfuric Acid		1,000	1,000
77-81-6	Tabun	b, d	10	10
7783-80-4	Tellurium Hexafluoride	e	100	100
107-49-3	TEPP		10	100
13071-79-9	Terbufos	d	100	100
78-00-2	Tetraethyllead	b	10	100
597-64-8	Tetraethyltin	b	100	100
75-74-1	Tetramethyllead	b, f	100	100
509-14-8	Tetranitromethane		10	500
10031-59-1	Thallium Sulfate	d	100	100/10,000
6533-73-9	Thallous Carbonate	b, d	100	100/10,000
7791-12-0	Thallous Chloride	b, d	100	100/10,000
2757-18-8	Thallous Malonate	b, d	100	100/10,000
7446-18-6	Thallous Sulfate		100	100/10,000
2231-57-4	Thiocarbazide		1,000	1,000/10,000
39196-18-4	Thiofenox		100	100/10,000
297-97-2	Thionazin		100	500
108-98-5	Thiophenol		100	500
79-19-6	Thiosemicarbazide		100	100/10,000
5344-62-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
584-84-9	Toluene 2,4-Diisocyanate		100	500
91-08-7	Toluene 2,6-Diisocyanate		100	100
110-57-6	Trans-1,4-Dichlorobutene		500	500
1031-47-6	Triamphos		500	500/10,000
24017-47-8	Triazofos		500	500
76-02-8	Trichloroacetyl Chloride		500	500
115-21-9	Trichloroethylsilane	d	500	500
327-98-0	Trichloronate	e	500	500
98-13-5	Trichlorophenylsilane	d	500	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
27137-85-5	Trichloro(Dichlorophenyl) Silane		500	500
998-30-1	Triethoxysilane		500	500
75-77-4	Trimethylchlorosilane		1,000	1,000
824-11-3	Trimethylolpropane Phosphite	d	100	100/10,000
1068-45-1	Trimethyltin Chloride		500	500/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
2001-95-8	Vallinomylin	b	1,000	1,000/10,000
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
81-81-2	Warfarin		100	500/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
28347-13-9	Xylylene Dichloride		100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5((((Methylamino)Carbonyl)Oxy)imino)Pentanenitrile)-, (T-4)-		100	100/10,000
1314-84-7	Zinc Phosphide	a	100	500

\* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

## Notes:

a. This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.

b. The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.

c. Chemicals added by final rule, April 22, 1987.

d. Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.

e. The TPQ was revised due to calculation error, April 22, 1987.

f. Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"), November 17, 1986 and February 15, 1990.

g. The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987 final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.



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**Attachment 4**  
**Appendix B To Part 355**  
**The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities**  
**(6 pages)**

Pt. 355, App. B

40 CFR Ch. I (7-1-13 Edition)

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
0	Organorhodium Complex (PMN-82-147)		10	10/10,000
50-00-0	Formaldehyde	f	100	500
50-07-7	Mitomycin C		10	500/10,000
50-14-5	Ergocalciferol	b	1,000	1,000/10,000
51-21-8	Fluorouracil		500	500/10,000
51-75-2	Mechlorethamine	b	10	10
51-83-2	Carbachol Chloride		500	500/10,000
54-11-5	Nicotine	b	100	100
54-62-6	Aminopterin		500	500/10,000
55-01-4	Isofluorophate	b	100	100
58-25-7	Cantharidin		100	100/10,000
58-38-2	Parathion	b	10	100
58-72-4	Coumaphos		10	100/10,000
57-14-7	Dimethylhydrazine		10	1,000
57-24-9	Strychnine	b	10	100/10,000
57-47-6	Physostigmine		100	100/10,000
57-57-8	Propiolactone, Beta-		10	500
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
57-74-9	Chlordane		1	1,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
58-89-9	Lindane		1	1,000/10,000
59-88-1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
60-34-4	Methyl Hydrazine		10	500
60-41-3	Strychnine sulfate		10	100/10,000
60-51-5	Dimethoate		10	500/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
62-53-3	Aniline	f	5,000	1,000
62-73-7	Dichlorvos		10	1,000
62-74-8	Sodium Fluoroacetate		10	10/10,000
62-75-9	Nitrosodimethylamine	d	10	1,000
64-00-6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
64-86-8	Colchicine	d	10	10/10,000
65-30-5	Nicotine sulfate		100	100/10,000
66-81-9	Cycloheximide		100	100/10,000
67-66-3	Chloroform	f	10	10,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
71-83-6	Digitoxin	b	100	100/10,000
72-20-8	Endrin		1	500/10,000
74-83-9	Methyl Bromide	f	1,000	1,000
74-90-6	Hydrocyanic Acid		10	100
74-93-1	Methyl Mercaptan	f	100	500
75-15-0	Carbon Disulfide	f	100	10,000
75-21-8	Ethylene Oxide	f	10	1,000
75-44-5	Phosgene	f	10	10
75-55-8	Propyleneimine		1	10,000
75-56-9	Propylene Oxide	f	100	10,000
75-74-1	Tetramethyllead	b, f	100	100
75-77-4	Trimethylchlorosilane		1,000	1,000
75-78-5	Dimethyldichlorosilane	d	500	500
75-79-6	Methytrichlorosilane	d	500	500
75-86-5	Acetone Cyanohydrin		10	1,000
76-02-8	Trichloroacetyl Chloride		500	500
77-47-4	Hexachlorocyclopentadiene	d	10	100
77-78-1	Dimethyl Sulfate		100	500
77-81-6	Tabun	b, d	10	10
78-00-2	Tetraethyllead	b	10	100
78-34-2	Dioxathion		500	500
78-53-5	Amilon		500	500
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
78-82-0	Isobutyronitrile	d	1,000	1,000
78-94-4	Methyl Vinyl Ketone		10	10
78-97-7	Lactonitrile		1,000	1,000
79-06-1	Acrylamide	f	5,000	1,000/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
79-19-6	Thiosemicarbazide		100	100/10,000
79-21-0	Peracetic Acid		500	500
79-22-1	Methyl Chloroformate	d	1,000	500
80-63-7	Methyl 2-Chloroacrylate		500	500

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[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
81-81-2	Warfarin		100	500/10,000
82-66-6	Diphacinone		10	10/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
86-88-4	ANTU		100	500/10,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
88-85-7	Dinoseb		1,000	100/10,000
91-08-7	Toluene 2,6-Diisocyanate		100	100
95-48-7	Cresol, o-		100	1,000/10,000
98-05-5	Benzeneearsonic Acid		10	10/10,000
98-07-7	Benzotrichloride		10	100
98-13-5	Trichlorophenylsilane	d	500	500
98-18-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
98-87-3	Benzal Chloride		5,000	500
98-95-3	Nitrobenzene	f	1,000	10,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
100-44-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
100-44-7	Benzyl Chloride		100	500
102-38-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
103-85-5	Phenylthiourea		100	100/10,000
106-89-8	Epichlorohydrin	f	100	1,000
106-96-7	Propargyl Bromide		10	10
107-02-8	Acrolein		1	500
107-07-3	Chloroethanol		500	500
107-11-9	Allylamine		500	500
107-12-0	Propionitrile		10	500
107-13-1	Acrylonitrile	f	100	10,000
107-15-3	Ethylenediamine		5,000	10,000
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
107-18-6	Allyl Alcohol		100	1,000
107-30-2	Chloromethyl Methyl Ether	b	10	100
107-44-8	Sarin	d	10	10
107-49-3	TEPP		10	100
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
108-23-6	Isopropyl Chloroformate		1,000	1,000
108-91-8	Cyclohexylamine	f	10,000	10,000
108-95-2	Phenol		1,000	500/10,000
108-98-5	Thiophenol		100	500
109-61-5	Propyl Chloroformate		500	500
109-77-3	Malononitrile		1,000	500/10,000
110-00-9	Furan		100	500
110-57-6	Trans-1,4-Dichlorobutene		500	500
110-89-4	Piperidine		1,000	1,000
111-44-4	Dichloroethyl Ether		10	10,000
111-69-3	Adiponitrile	f	1,000	1,000
115-21-9	Trichloroethylsilane	d	500	500
115-26-4	Dimetox		500	500
115-29-7	Endosulfan		1	10/10,000
115-90-2	Fensulthion	d	500	500
116-06-3	Aldicarb	b	1	100/10,000
119-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
123-31-9	Hydroquinone	f	100	500/10,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
124-65-2	Sodium Cacodylate		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
126-98-7	Methacrylonitrile	d	1,000	500
129-00-0	Pyrene	b	5,000	1,000/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
140-29-4	Benzyl Cyanide	d	500	500
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
141-66-2	Dicrotophos		100	100
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
144-49-0	Fluoroacetic Acid		10	10/10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
151-50-8	Potassium Cyanide	a	10	100
151-56-4	Ethylenimine		1	500
152-18-8	Diphosphoramidate, Octamethyl-		100	100
297-78-9	Isobenzan		100	100/10,000
297-97-2	Thionazin		100	500
298-00-0	Parathion-Methyl	b	100	100/10,000
298-02-2	Phorate		10	10



[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
298-04-4	Disulfoton		1	500
300-62-9	Amphetamine		1,000	1,000
302-01-2	Hydrazine		1	1,000
309-00-2	Aldrin		1	500/10,000
315-18-4	Mexacarbate		1,000	500/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
327-98-0	Trichloronate	e	500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
359-06-8	Fluoroacetyl Chloride	b	10	10
371-62-0	Ethylene Fluorohydrin	b, d	10	10
379-79-3	Ergotamine Tartrate		500	500/10,000
465-73-6	Isodrin		1	100/10,000
470-90-6	Chlorfenvinfos		500	500
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
505-60-2	Mustard Gas	a	500	500
508-61-6	Potassium Silver Cyanide	d	1	500
508-68-3	Cyanogen Bromide		1,000	500/10,000
508-78-5	Cyanogen Iodide		1,000	1,000/10,000
509-14-8	Tetranitromethane		10	500
514-73-8	Dithiazanine Iodide		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
534-52-1	Dinitroresol		10	10/10,000
535-89-7	Crimidine		100	100/10,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
541-25-3	Lewisite	b, d	10	10
541-53-7	Dithioburet		100	100/10,000
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
542-88-1	Chloromethyl Ether	d	10	100
542-90-5	Ethylthiocyanate		10,000	10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
556-81-8	Methyl Isothiocyanate	a	500	500
556-84-9	Methyl Thiocyanate		10,000	10,000
558-25-8	Methanesulfonyl Fluoride		1,000	1,000
563-12-2	Ethion		10	1,000
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
584-84-9	Toluene 2,4-Diisocyanate		100	500
594-42-3	Perchloromethylmercaptan		100	500
597-64-8	Tetraethyltin	b	100	100
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
624-83-9	Methyl Isocyanate		10	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
630-80-4	Ouabain	b	100	100/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
640-19-7	Fluoroacetamide		100	100/10,000
644-84-4	Dimetilan		1	500/10,000
675-14-9	Cyanuric Fluoride		100	100
676-97-1	Methyl Phosphonic Dichloride	a	100	100
696-28-6	Phenyl Dichloroarsine	d	1	500
760-93-0	Methacrylic Anhydride		500	500
766-19-6	Carbophenothion		500	500
814-49-3	Diethyl Chlorophosphate	d	500	500
814-68-6	Acrylyl Chloride	d	100	100
824-11-3	Trimethylolpropane Phosphite	d	100	100/10,000
900-85-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
919-86-8	Demeton-S-Methyl		500	500
920-46-7	Methacryloyl Chloride		100	100
944-22-9	Fonofos		500	500
947-02-4	Phosfolan		100	100/10,000
950-10-7	Mephosfolan		500	500
950-37-8	Methidathion		500	500/10,000
991-42-4	Norbormide		100	100/10,000
998-30-1	Triethoxysilane		500	500
999-81-5	Chlomequest Chloride	d	100	100/10,000
1031-47-6	Triamphos		500	500/10,000
1066-45-1	Trimethyltin Chloride		500	500/10,000
1122-60-7	Nitrocyclohexane		500	500
1124-33-0	Pyridine, 4-Nitro-, 1-Oxide		500	500/10,000
1129-41-5	Metolcarb		1,000	100/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1306-19-0	Cadmium Oxide		100	100/10,000

## Environmental Protection Agency

Pt. 355, App. B

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
1314-64-7	Zinc Phosphide	a	100	500
1327-53-3	Arsenous Oxide	d	1	100/10,000
1397-94-0	Antimycin A	b	1,000	1,000/10,000
1420-07-1	Dinoterb		500	500/10,000
1464-63-5	Diepoxybutane		10	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
1583-66-2	Carbofuran		10	10/10,000
1600-27-7	Mercuric Acetate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
1910-42-5	Paraquat Dichloride		10	10/10,000
1882-47-4	Chloroxuron		500	500/10,000
2001-95-8	Valinomycin	b	1,000	1,000/10,000
2032-65-7	Methiocarb		10	500/10,000
2074-50-2	Paraquat Methosulfate		10	10/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
2104-64-5	EPN		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
2231-57-4	Thiocarbazine		1,000	1,000/10,000
2238-07-5	Diglycidyl Ether		1,000	1,000
2275-18-5	Prothoate		100	100/10,000
2497-07-6	Oxydisulfoton	d	500	500
2524-03-0	Dimethyl Phosphorochloridothioate		500	500
2540-82-1	Formothion		100	100
2570-26-5	Pentadecylamine		100	100/10,000
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
2631-37-0	Promecarb	d	1,000	500/10,000
2636-26-2	Cyanophos		1,000	1,000
2842-71-9	Azinphos-Ethyl		100	100/10,000
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio)Phenyl) Ester.		500	500
2757-18-8	Thallous Malonate	b, d	100	100/10,000
2763-96-4	Muscimol		1,000	500/10,000
2778-04-3	Endothion		500	500/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
3569-67-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
3689-24-5	Sulfotep		100	500
3691-35-8	Chlorophacinone		100	100/10,000
3734-87-2	Amiton Oxalate		100	100/10,000
3735-23-7	Methyl Phenkapton		500	500
3878-19-1	Fuberidazole		100	100/10,000
4044-65-9	Bitocanate		500	500/10,000
4096-71-9	Isophorone Diisocyanate	g	500	500
4104-14-7	Phosacetim		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
4301-50-2	Fluometil		100	100/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
5344-82-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
5836-29-3	Coumatetralyl		500	500/10,000
6533-73-9	Thallous Carbonate	b, d	100	100/10,000
6823-22-4	Monocrotophos		10	10/10,000
7448-09-5	Sulfur Dioxide	f	500	500
7448-11-9	Sulfur Trioxide	a	100	100
7448-18-6	Thallous Sulfate		100	100/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
7580-67-8	Lithium Hydride	a	100	100
7631-89-2	Sodium Arsenate		1	1,000/10,000
7637-07-2	Boron Trifluoride		500	500
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
7664-41-7	Ammonia	f	100	500
7664-83-8	Sulfuric Acid		1,000	1,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
7697-37-2	Nitric Acid		1,000	1,000
7719-12-2	Phosphorus Trichloride		1,000	1,000
7722-84-1	Hydrogen Peroxide (Conc >52%)	f	1,000	1,000
7723-14-0	Phosphorus	a, d	1	100
7726-95-6	Bromine	f	500	500
7778-44-1	Calcium Arsenate		1	500/10,000
7782-41-4	Fluorine	e	10	500
7782-50-8	Chlorine		10	100
7783-00-8	Selenious Acid		10	1,000/10,000
7783-06-4	Hydrogen Sulfide	f	100	500
7783-07-5	Hydrogen Selenide		10	10
7783-60-0	Sulfur Tetrafluoride		100	100
7783-70-2	Antimony Pentafluoride		500	500
7783-80-4	Tellurium Hexafluoride	e	100	100
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
7784-46-5	Sodium Arsenite		1	500/10,000
7786-34-7	Mevinphos		10	500
7791-12-0	Thalious Chloride	b, d	100	100/10,000
7791-23-3	Selenium Oxychloride		500	500
7803-51-2	Phosphine		100	500
8001-35-2	Campechlor		1	500/10,000
8065-48-3	Demeton		500	500
10025-73-7	Chromic Chloride		1	1/10,000
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
10028-15-6	Ozone		100	100
10031-59-1	Thallium Sulfate	d	100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
10102-43-9	Nitric Oxide	b	10	100
10102-44-0	Nitrogen Dioxide		10	100
10124-50-2	Potassium Arsenite		1	500/10,000
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
10265-92-9	Methamidophos		100	100/10,000
10294-34-5	Boron Trichloride		500	500
10311-84-9	Dialifor		100	100/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
12002-03-8	Paris Green		1	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
13071-79-8	Terbufos	d	100	100
13171-21-6	Phosphamidon		100	100
13194-48-4	Ethoprophos		1,000	1,000
13410-01-0	Sodium Selenate		100	100/10,000
13450-90-3	Gallium Trichloride		500	500/10,000
13463-39-3	Nickel Carbonyl		10	1
13463-40-6	Iron, Pentacarbonyl-		100	100
14167-18-1	Salcomine		500	500/10,000
15271-41-7	Bicyclo[2.2.1]heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)Imino-, (1a-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
16752-77-5	Methomyl	d	100	500/10,000
17702-41-9	Decaborane(14)		500	500/10,000
17702-57-7	Formparanate		100	100/10,000
19287-45-7	Diborane		100	100
19624-22-7	Pentaborane		500	500
20830-75-5	Digoxin	d	10	10/10,000
20859-73-8	Aluminum Phosphide	a	100	500
21548-32-3	Fosthietan		500	500
21609-90-6	Leptophos		500	500/10,000
21908-53-2	Mercuric Oxide		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
22224-82-6	Fenamiphos		10	10/10,000
23135-22-0	Oxamyl		100	100/10,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
23505-41-1	Phirimfos-Ethyl		1,000	1,000
24017-47-8	Triazofos		500	500
24934-81-6	Chlormephos		500	500
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000

# Environmental Protection Agency

Pt. 370

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
26628-22-8	Sodium Azide (Na(N <sub>3</sub> ))	a	1,000	500
27137-85-5	Trichloro(Dichlorophenyl)Silane		500	500
28347-13-9	Xylylene Dichloride		100	100/10,000
28772-56-7	Bromadiolone		100	100/10,000
30674-80-7	Methacryloyloxyethyl isocyanate		100	100
39198-18-4	Thiofanox		100	100/10,000
50782-69-9	Phosphonoethic Acid, Methyl-, S-(2-Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.		100	100
53558-25-1	Pyriminil	d	100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5(((Methylamino) Carbonyl)Oxy)Imino)Pentanenitrile-, (T-4)-.		100	100/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethanediybis (Nitrilomethylidene)) Bis(6-Fluorophenolato)) (2-)-N,N',O,O')-		100	100/10,000

\* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

## Notes:

- This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- Chemicals added by final rule, April 22, 1987.
- Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- The TPQ was revised due to calculation error, April 22, 1987.
- Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"). (November 17, 1986, and February 15, 1990.)
- The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987, final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.

## PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

### Subpart A—General Information

#### Sec.

- What is the purpose of this part?
- Who do "you," "I," and "your" refer to in this part?
- Which section contains the definitions of the key words used in this part?

### Subpart B—Who Must Comply

- Who must comply with the hazardous chemical reporting requirements of this part?
- [Reserved]
- What hazardous chemicals must I report under this part?
- What substances are exempt from these reporting requirements?
- How do I report mixtures containing hazardous chemicals?

### Subpart C—Reporting Requirements

- What are the reporting requirements of this part?

#### HOW TO COMPLY WITH MSDS REPORTING

- What information must I provide and what format must I use?
- Do I have to update the information?
- To whom must I submit the information?

- When must I submit the information?

#### HOW TO COMPLY WITH INVENTORY REPORTING

- What information must I provide and what format must I use?
- What is Tier I inventory information?
- What is Tier II inventory information?
- What codes are used to report Tier I and Tier II inventory information?
- To whom must I submit the inventory information?
- When must I submit the inventory information?

### Subpart D—Community Access to Information

- How does a person obtain MSDS information about a specific facility?
- How does a person obtain inventory information about a specific facility?
- What information may a State or local official request from a facility?
- What responsibilities do the SERC and the LEPC have to make requested information available?
- What information can I claim as trade secret or confidential?
- Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?
- How are key words in this part defined?



## Village of Willowbrook

### Staff Report to the Plan Commission

#### *Continuation of the June 5<sup>th</sup>, 2019 Public Hearing*

**Plan Commission Original  
Public Hearing Date:** June 5, 2019

**Plan Commission  
Public Hearing  
Continuation Date:** July 17, 2019

**Prepared By:** Ann Choi, Planning Consultant

**Case Title:** PC 19-04: Text Amendments to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures.

**Petitioner:** Village of Willowbrook

**Action Requested by  
Applicant:** Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.

**Code Sections to be by  
Amended or Added:** Title 9 – Zoning Sections:  
9-3-15 Antennas and Towers for Personal Wireless Services  
9-12-2 Permitted Accessory Buildings, Structures and Uses  
9-12-4(C) Bulk Regulations

**Necessary Action by  
Plan Commission:** Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendments.

A sample motion can be found on page 6.



## History & Discussion of Request

Village staff proposes text amendments to the Village Zoning Code to remove outdated information and to bring it into compliance with the recently enacted state laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

Pursuant to the proposed text amendment, Section 9-3-15 of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. Section 9-3-15 will also be amended to acknowledge that certain provisions contained therein are preempted by the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. recently adopted by the State of Illinois. The Small Wireless Facilities Deployment Act sets forth certain bulk standards for right-of-way construction of Small Wireless Antenna Facilities and permits the installation of such antennas within Commercial and Industrial districts. The Village of Willowbrook previously amended Title 4 of the Village Code to comply with the recent state law, and the proposed amendment to the Zoning Code will clarify the relevant code sections to proposed small wireless service providers. The remaining proposed amendments to Section 9-3-15 will clarify the application of the height, setback and aesthetic standards contained therein to amateur radio antennas and uses.

The proposed text amendment will revise Section 9-12-2 of the Zoning Code to remove outdated language regarding setbacks for amateur radio antennas. This is an administrative correction; as Section 9-12-2 of the Zoning Code had previously been preempted by the setback requirements of Section 9-3-15. The revised language will refer amateur radio users to the correct section of the Zoning Code. Likewise, Section 9-12-4 will be amended to clarify that the limitations on height of amateur radio antennas and support structures are governed by Section 9-3-15 and not by the 15' limitation imposed on other types of accessory uses.

### **Amend Sections 9-3-15, 9-12-2 and 9-12-4(C) as follows:**

Pursuant to the proposed text amendment, Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. All instances of "Director of Municipal Services" will be replaced with **"Village Administrator or his/her designee"**.

### **Amend Section 9-3-15(A) as follows:**

Add to the definition of PERSONAL WIRELESS SERVICES "amateur radio communications, including shortwave, HAM, or CB Radio services," before "and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

#### **Existing text:**

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

#### **Proposed text:**

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, **amateur radio communications, including shortwave, HAM, or CB Radio services**, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."



**Amend Section 9-3-15(B) as follows:**

Add "to require location of towers and antennas a safe distance from adjacent property owners;" before "and to comply with the requirements of Federal Law".

**Existing text:**

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to comply with the requirements of Federal law."

**Proposed text:**

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; **to require location of towers and antennas a safe distance from adjacent property owners;** and to comply with the requirements of Federal law."

**Amend Section 9-3-15(C) as follows:**

Add "Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code." as the last paragraph of this section.

**Proposed text:**

Antennas and towers for personal wireless services, complying with the requirements of this section, may be installed on lots, except parks, in the following districts:

B-1	Neighborhood Shopping District
B-2	Community Shopping District
B-3	General Business District
B-4	Highway and Service Business District
L-O-P	Limited Office Professional District
O-R	Office and Research District
L-O-R	Limited Office and Research District
M-1	Light Manufacturing District



Further, antennas for personal wireless services, complying with the requirements of this section, may be installed on lots in the R-5 Residential District, or lots owned by the Village, a unit of local government, the State, or the Federal government, in any residential district.

Antennas and towers for personal wireless services may be installed on lots with different existing principal structures and/or uses. Such antennas and towers, complying with the requirements of this section, shall not be deemed to be either principal or accessory structures or uses, but shall be permitted additional structures. Such antennas and towers, including all associated electrical and mechanical equipment, shall, however, be included for purposes of determining maximum lot coverages for the lots upon which they are located.

**Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code.**

**Amend Section 9-3-15(D)(2) as follows:**

Add "The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities." as the last sentence of this paragraph.

Existing text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness."

Proposed text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness. **The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities.**"

**Amend Section 9-3-15 as follows:**

Add "(G) **To the extent that this section is in conflict with the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. or the provisions of Section 4-6-3 of the Willowbrook Municipal Code, this section shall not apply to the deployment of small wireless facilities in Village Zoning Districts.**"

**Amend Section 9-12-2 as follows:**

Delete "Within 15' of lot line, not more than 2 antennae on any 1 structure" from the "Permitted Encroachment" column under the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title." under the "Permitted Encroachment" column in the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Delete "and television, receiving" from the section of the table referring to "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Antenna, television, receiving" as its own category underneath same section of the table.





Existing text:

Permitted Use/Obstruction	Permitted Encroachment	F	S	R	C
Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	-	-	X	-

Proposed text:

Permitted Use/Obstruction	Permitted Encroachment	F	S	R	C
Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving	Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title.	-	-	X	-
Antenna, television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	-	-	X	-

Note:

"X"-Denotes permitted obstruction in yard or court

"-"-Denotes prohibited obstruction in yard or court

"F"-Denotes in front yards and exterior side yards adjoining a street

"S"-Denotes in interior side yards

"R"-Denotes in rear yards

"C"-Denotes in open court yards

**Amend Section 9-12-4(C) as follows:**

Add "4. The height of antenna for use in shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving shall be regulated by Section 9-3-15 of this Title."



## **Recommendation**

Staff supports the proposed text amendments. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

**Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.**